

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 11, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The Council and audience had a moment of silent prayer.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of November 20, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

MEISTERINGERS The Mueller Meisteringers entertained with Christmas songs.

PROCLAMATIONS Proclamations previously approved were presented.

SERVICE CITATION Distinguished Service Citation was given.

PUBLIC AGENDA

Karole Bradford, Safe State Kansas/Inter-Faith Ministries – “Celebrate Safety Campaign.”

Karole Bradford Karole Bradford spoke regarding the “Celebrate Safety Campaign,” a gun violence prevention project. The goal of the Project is to reduce random gunfire at New Years.

NEW BUSINESS

BOMBARDIER - IRB PUBLIC HEARING – ISSUANCE OF INDUSTRIAL REVENUE BONDS – BOMBARDIER LEARJET. (District V)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-1328.

On September 10, 1996, Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet. Council also approved a ten-year 100% ad valorem property tax exemption on bond-financed property. Under authority of the 1996 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet in the amount of \$12.24 million in 1996; \$9.59 million in 1997; \$5.7 million in 1998, \$6.8 million in 1999, and \$17.5 million in 2000.

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On September 10, 2001, the Letter of Intent expired and on November 20, 2001, City Council authorized a reinstatement and an extension of an additional three-years of the Letter of Intent until December 31, 2004, to allow Bombardier Learjet to expend the remaining balance of \$35.1 million. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$21,600,000, to finance its capital expenditures for the year 2001. In addition, Learjet is requesting an amendment to its 1996 IRB Lease Agreement to permit the release of property financed by IRBs in the upcoming years.

Proceeds from the sale of the 2001 bond issue will be used for the purpose of purchasing, acquiring, constructing, and equipping improvements and additions to existing facilities. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce four of Bombardier's business jet aircraft: the Learjet 31A, the Learjet 60, the Learjet 45, and the new Continental Jet.

Since City Council approval of the 1996 IRB Letter of Intent, Bombardier Learjet has added approximately 1,000 new jobs and has complied with the Standard Conditions contained in the City's IRB Policy.

The IRB Lease Agreement provides for an option to purchase the entire Project once all bonds have been retired. However, since 1996, additional property has been financed under the 1996 Lease. Therefore, it will be necessary to amend the Lease and other documents, in order to provide for the release of a portion of the bond-financed property in upcoming years.

Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. The law firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Bombardier Aerospace will purchase the bonds, and as a result bonds will not be offered to the public.

Bond documents have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; the amendments to the supplemental Lease, and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$21,600,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount not to exceed \$21,600,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Fifth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Fifth Supplemental Lease Agreement by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the bonds, introduced and under the rules laid over.

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CESSNA - IRB

PUBLIC HEARING - ISSUANCE OF INDUSTRIAL REVENUE BONDS – CESSNA AIRCRAFT COMPANY. (Districts III and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1420.

Between 1991 and 1996, City Council has approved Letter of Intent for Industrial Revenue Bonds in an aggregate principal amount of \$500 million, and approved a five-plus-five-year 100% ad valorem tax exemption for property financed with bond proceeds to Cessna Aircraft Company. Bond proceeds were used to expand and equip facilities located on One Cessna Boulevard and 5800 E. Pawnee to accommodate the space required to develop and produce the four new business jet aircraft; CitationJet, Citation VI, VII and X. Between 1991 and 1996 \$402 million IRBs were issued to Cessna Aircraft Company.

On June 8, 1999, City Council approved an additional five-year Letter of Intent in an amount not-to-exceed \$600 million and a 100% ad valorem tax exemption for property financed with the bond proceeds and since then has issued \$185.8 million. Bond proceeds are being utilized to expand and upgrade facilities, technology and manufacturing equipment to accommodate increased personnel and space required to develop and deliver Cessna's growing product line and volume of sales. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$105,000,000. In addition, Cessna is requesting an amendment to its 1991 IRB Lease Agreement to permit the release of property financed by IRBs in that year.

Specific improvements at the Cessna One property, include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly, and the Pawnee facility manufacturing expansion. Equipment is also planned. The expanded facilities and upgraded equipment are primarily focused on the manufacture of the Citation CJ2 and Citation Sovereign models. Since 1997, Cessna created over 2,500 new jobs in Wichita.

The taxable Bonds will be privately placed with the company's principal bank. Cessna Aircraft Company has complied with the Standard Conditions contained in the City's IRB Policy.

The 10-year tax abatement period with respect to the Series 1991 Bonds has expired and it is the company's intent to surrender the 1991 Bonds for cancellation in January 2002. The 1991 IRB Lease Agreement provides for an option to purchase the entire Project once all bonds have been retired. However, since 1991, additional property has been financed under the 1991 Lease. Therefore, it will be necessary to amend the Lease and other documents, in order to provide for the purchase of a portion of the bond-financed property.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100% ad valorem tax exemption on bond-financed property.

Bond documents have been prepared by Hinkle Elkouri, bond counsel for the project. The City Attorney's Office will review and approve the final form of any bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; the amendments to the supplemental Lease and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bond in an amount not-to-exceed \$105,000,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0

-- carried

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ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series XIII, 2001 (Cessna Aircraft Company), in the aggregate principal amount of not to exceed \$105,000,000 for the purpose of purchasing, acquiring, constructing and installing an Industrial and Commercial Facility; authorizing execution of an Eleventh Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Series XIII, 20001 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of an Eleventh Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and authorizing execution of a Bill of Sale.

CAMBRIDGE - IRB

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – CAMBRIDGE SUITES HOTEL EXPANSION. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1330.

On March 27, 2001, the City Council approved a Letter of Intent to issue Industrial Revenue Bonds for Cambridge Suites, a Wichita based hotel managed by Candlewood Hotel Co., Inc., in the amount of \$2 million and a five-year 100% property tax abatement on all bond-financed property not currently on the tax rolls. The bond proceeds will be used for the purpose of constructing/equipping the hotel complex, located at 120 W. Orme. On June 19, 2001, City Council also approved an amendment to the Letter of Intent to Cambridge Suites authorizing the company's request to change the name of the legal entity to Wichita Residence, a General Partnership. Cambridge Suites is now requesting the issuance of IRBs at this time, in the amount of \$1,421,000.

In 1975, the first Residence Inn was opened in downtown Wichita. The hotel included sixty-four guest suites, a gatehouse/office facility and a swimming pool. It was operated as a Residence Inn until 1998. In that year, the hotel was extensively remodeled and converted to a Cambridge Suites hotel.

Cambridge Suites is now being expanded to include the addition of three, two-story buildings (pods) making up twenty-four new upscale guest suites, and a new gatehouse/office building. The viability of the existing sixty-four units is enhanced by the addition of the twenty-four new guest suites. The main entrance to the hotel will be moved to Main Street (near Kellogg) so the entire complex will be reoriented toward the downtown area. The hotel complex will be leased to Wichita Residence, a general partnership, Jack P. Deboer, Managing Partner, which will serve as Tenant in the IRB lease.

USES OF FUNDS

* Construction Costs	\$1,176,489
* Furniture & Equipment	177,247
* Contingency	<u>67,264</u>
Total Cost of Project:	\$1,421,000

Cambridge Suites has complied with all Letter of Intent conditions contained in the City's IRB Policy. The firm of Hinkle Elkouri, L.L.C. serves as bond counsel in the transaction. The bond will be placed with the Tenant's lender, Central State Bank & Trust.

Cambridge Suites agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Bond documents required for the issuance have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

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Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$1,421,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,421,000 aggregate principal amount of taxable Industrial Revenue Bonds, Series IV, 2001, (Cambridge Suites Project) for the purpose of providing funds to acquire, construct and equip an expansion to an existing commercial facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Central Bank and Trust Co., Wichita, Kansas, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Wichita Residence, a General Partnership; approving the form of Guaranty Agreement between Wichita Residence, a General Partnership, as Guarantor and Central Bank and Trust Co., Wichita, Kansas, as Trustee; approving the form of individual limited Guaranty Agreement between Jack P. Deboer, as individual limited guarantor and Central Bank and Trust Co., Wichita, Kansas, as Trustee; authorizing the execution of a Bond Placement Agreement by and among the City of Wichita, Kansas, Wichita Residence, a General Partnership, Wichita, Kansas and Central Bank and Trust Co., as purchaser of the Bonds, introduced and under the rules laid over.

COLEMAN - IRB

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – THE COLEMAN COMPANY, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1331.

On August 10, 1993, City Council approved the issuance of a Letter of Intent for IRBs in an amount not to exceed \$80 million, issued to the Coleman Company, Inc. with a five year term, and approved a ten-year 100% property tax abatement for property financed with IRBs. Between 1993 and 1998, \$76 million IRBs were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize.

On October 19, 1999, City Council approved an additional four-year Letter of Intent in an amount not-to-exceed \$45 million and a 100% five-plus-five-year ad valorem tax exemption on bond financed property and issued \$5.3 million in December 1999. The City Council also approved the issuance of \$15.5 million in December 2000, as a result of new product offerings, new tooling and manufacturing equipment was required in conjunction with their previous improvement project. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$12,200,000.

Bond financed improvements will be used for the purpose of paying the cost of acquiring, constructing and installing the 2001 additions. The focus of the Coleman enhancement project is a structural factory redesign and retooling of the cooler product area. The Coleman Company Inc.'s corporate headquarters is located at 2111 E. 37th Street North in northeast Wichita which houses manufacturing as well as research and development operations. A secondary location is Coleman's Beacon plant that is utilized to manufacture propane fuel containers and is a manufacture of machined parts located in the City of Maize.

Coleman has temporarily moved some of its corporate offices to the former Thorn America complex at 37th Street North and Rock Road. Bond financed personal property may be located in that facility.

Coleman expects to add between 262 and 1,042 new jobs to their Wichita and Maize Plants during the four-year period covered by their Letter of Intent. Coleman exports 99% of its products out of the state of Kansas.

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The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% five-plus-five-year ad valorem tax exemption on the expansion project.

Bond documents have been prepared by Hinkle Elkouri, L.L.C., bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that close the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$12,200,000, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series XIV, 2001 (The Coleman Company, Inc.) in the aggregate principal amount of not to exceed \$12,200,000.00 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of an Eighth Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of an Eighth Supplemental Lease Agreement by and between the City and The Coleman Company, Inc; approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, and the Coleman Company, Inc., as purchaser of the Bonds, introduced and under the rules laid over.

HALL'S CULL IRB

ISSUANCE OF INDUSTRIAL REVENUE BONDS – HALL’S CULLIGAN WATER. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1332.

On October 24, 2000, City Council approved a Letter of Intent to issue IRBs in an amount not-to-exceed \$3.7 million, and approved a and five-year 100% tax exemption on bond-financed property to Hall’s Culligan Water. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a corporate office, manufacturing plant and warehouse facility located at Webb Road and 26th Street North in northeast Wichita. The company is now requesting issuance of IRBs at this time, in the amount not-to-exceed \$3,700,000.

Culligan Water is a franchise of Culligan Water Technologies. Culligan Water's business is water quality improvement for homeowners, commercial and establishments, and industry. While a portion of the Project’s use will be to serve local customers, the facility will also act as a regional water bottling plant and an Ultra Pure water equipment manufacturing plant. The bottled water will be distributed state-wide, and the equipment manufactured at the Project will be shipped to customers and Culligan dealerships nationwide.

The Project will also serve as the corporate headquarters for the six Culligan dealerships operated by Culligan Water. Four of these dealerships are located in Kansas and two are located in the state of Ohio. The new 52,000 SF facility will provide corporate functions for these locations, including management, marketing, payroll and accounting.

Culligan Water currently has a total of 70 employees located in Wichita, and has committed to hire 15 new employees (in Wichita) over the next five years.

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Bond proceeds are estimated to be used as follows:

USES OF FUNDS

Purchase Land	\$ 346,000
Construct New Building and Site Improvements	2,697,500
Fixtures and Equipment	630,000
Issuance Costs	<u>26,500</u>
Total Cost of Project:	\$3,700,000

The Company plans to privately place the bonds with a financial institution. The Company has complied with the City's requirements contained in the Standard Letter of Intent Conditions.

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-year 100% tax abatement of ad valorem property taxes on the bond-financed property.

The estimated first year's taxes on Culligan Water's proposed \$3.7 million expansion would be \$66,852, on real property improvements and \$13,380 on personal property, based on the 2001 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$80,232 of new taxes for the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$25,419; County/State - \$24,442; and USD 375 - \$30,371.

Bond documents required for the issuance of bonds have been prepared by Hinkle Elkouri Law Firm, L.L.C., bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3,700,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of not to exceed \$3,700,000 Aggregate Principal Amount of Taxable Industrial Revenue Bonds, Series XI, 2001, (CRH Limited Company for the purpose of providing funds to purchase, acquire, construct and equip a commercial and manufacturing facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and CRH Limited Company; approving the form of a Guaranty Agreement; approving the sublease of the project to Wichita Water Conditioning, Inc; authorizing the execution of a Bond Placement Agreement by and between the City, CRH Limited Company, Wichita Water Conditioning, Inc and Intrust Bank, N.A., as purchaser of the Bonds, introduced and under the rules laid over.

BUTTONWOOD

REQUEST FOR LETTER OF INTENT FOR TAX-EXEMPT MULTI-FAMILY MORTGAGE REVENUE BONDS – BUTTONWOOD TREE APARTMENTS. (District II)

Agenda Report No. 01-1333.

Buttonwood Tree L.L.C., is requesting City Council approval of a one-year Letter of Intent for the issuance of Tax-Exempt Multi-Family Mortgage Revenue Bonds in an amount not-to-exceed \$8,750,000. The proceeds of the proposed bonds will be used to finance the cost of acquisition and rehabilitation of an existing 216-unit apartment project known as Buttonwood Tree Apartments, located at 9211 East Harry in southeast Wichita. The project will also utilize Low Income Housing Tax Credits as a component of the financing package.

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Buttonwood Tree L.L.C., is the proposed buyer of a 216-unit apartment project that was built in 1982. The project consists of 21 separate buildings with most having two stories located on a 12-acre site. The project also includes tennis courts, a fitness room, children's playground, and a car wash facility. Some of the units have fireplaces, and all have balconies or patios. The rehabilitation of the complex will include such items as new siding, replacing parking lots and driveways, improving the general appearance of the properties, assure ADA compliance and equip each unit with washer and dryer hookups. Other items to be included in rehabilitation will be to improve television hookups, new exercise equipment, high-speed internet hookups and to install new windows in some of the units. Buttonwood Tree L.L.C., will employ up to 10 new jobs on a full and part time basis as a result of the project.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Tax Credit Equity	\$2,070,000
Bond Proceeds	<u>8,750,000</u>
Total Sources	10,820,000

USES OF FUNDS

Acquisition	\$7,422,240
Rehabilitation Costs	1,750,000
Fees and Contingency	<u>1,647,760</u>
Total Uses	\$10,820,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Bonds will be underwritten by Fannie Mae and publicly reoffered to private investors. Buttonwood Tree L.L.C., agrees to comply with the Standard Conditions contained in the City's IRB Policy.

The Department of Commerce and Housing, administrator of the state's low-income housing tax credit program, requires a resolution of support from the City in connection with applications for tax credits. In accordance with the City's tax credit policy, a review of the project by District Advisory Board, the Housing Advisory Board, and the Development Coordinating Committee is required, prior to the issuance of a resolution of support by the Council. Each entity has completed its review and has recommended approval of the resolution. Further, under the tax credit policy, the developer must reserve at least 20% of the units for market-rate tenants.

Buttonwood Tree L.L.C., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The City's Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA hearing requirement in the federal tax code for tax-exempt bonds, as well as the public hearing requirement in the City's policy governing support for low income housing tax credits. Notices of the tax credit public hearing have been mailed to owners of all property located within 200 feet of the proposed project site.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the Letter of Intent to Buttonwood Tree L.L.C., for Tax-Exempt Multi-Family Revenue Bonds in an amount not-to-exceed \$8,750,000, subject to the Standard Letter of Intent Condition be approved; and the Resolution in support of the developer's application for Low-Income Housing Tax Credits be adopted. Motion carried 6 to 1. Lambke – No.

RESOLUTION NO. 01-491

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. (Lambke, no)

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Mayor Knight left the Bench; Vice Mayor Pisciotte in the Chair.

MCCORMICK/ARM. REINSTATEMENT AND EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – MCCORMICK-ARMSTRONG CO., INC. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1334.

On October 29, 1996, City Council approved a Letter of Intent to issue Industrial Revenue Bonds to McCormick-Armstrong Co., Inc., located at 1501 E. Douglas in near-east Wichita, in an amount not-to-exceed \$11 million for a five-year period, and a five-plus-five-year 100% tax exemption on bond-financed property. On December 3, 1996, City Council approved the issuance of IRBs in the amount of \$2.46 million for the purpose of financing the acquisition of a printing press and supporting computer hardware and software. City Council also approved the issuance of \$2.3 million on July 27, 1999, for the purpose of financing the purchase, rehabilitation, and installation of certain manufacturing equipment at their existing Wichita facility. On October 29, 2001, the Letter of Intent expired, with a remaining balance of \$6.24 million. The company is requesting a reinstatement and an extension of one-year of the Letter of Intent until October 31, 2002. In addition, the company is requesting City Council approval of a second five-year ad valorem tax abatement on its 1996 bond-financed property.

McCormick-Armstrong is among the largest commercial print product manufacturers in Kansas. McCormick utilizes state-of-the-art printing technology for the production of advertising, catalogs, short-run publications, calendars, etc. The company is privately owned by E. W. Armstrong and family. The bond-financed equipment will include a new state-of-the-art printing press and associated production equipment used in the process of manufacturing printed products. The extension will allow the company to proceed with the major equipment upgrade in the prepress department to implement “direct to plate” technologies, which will include new proofing and plate setting equipment. As a result of the upgrade it will allow for efficiencies sought out by the more sophisticated print buyers, drawing increased out-of-state business to Wichita. McCormick Armstrong annual sales revenues have increased by 33%.

As a result of the bond issue and tax exemption, McCormick Armstrong committed to expand in its capacity by the purchase of additional machinery and equipment, and creating 50 new jobs within five years. A measure of McCormick Armstrong’s initial five-year project commitments and outcomes are as follows:

1996 Commitment	December 2001
New Machinery & Equipment	Purchased equipment worth over
\$4.7 million	
Create 50 new jobs in five-years	Created 10 new jobs

Although McCormick Armstrong has only added 10 new jobs since bonds were issued, the company is making the commitment to add 10 more jobs over the next five years in conjunction with the upgrade. The reason given for the shortfall in new jobs is that only 43% of the original \$11 million project has been completed. The most recent \$2.3 million IRB issue was completed December 15, 2000, and as a result the company was experiencing a strong growth spurt which suddenly dropped-off in April of 2001 when the printing industry began to experience a recession. McCormick had trained secondary pressmen to head-up a new press crew, scheduled to be in-place August 1st of this year. Due to the recent slump in sales volume, plans to add the additional crew have been deferred. However, McCormick Armstrong has been able to maintain their existing production crews, with no lay-offs, in spite of the present economic pressures. The company expects to continue employment growth when the economy recovers.

There is no financial impact on the City resulting from the requested extension.

Vice Mayor Pisciotte

Vice Mayor Pisciotte inquired if anyone wished to be heard and no one appeared.

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Motion --

-- carried

Brewer moved that the reinstatement and extension of the IRB Letter of Intent to McCormick Armstrong for an additional year, and a second five-year tax abatement on the 1996 bond-financed property subject to ongoing efforts to meet job creation, be approved. Motion carried 6 to 0. (Knight absent)

CINEMA II

PUBLIC HEARING – RE-ESTABLISHING REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING) FOR OLD TOWN CINEMA II PROJECT. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1335.

On November 6, 2001, the City Council adopted a resolution setting a public hearing on the subject of reducing the boundaries of the Old Town Cinema Redevelopment District. The original Old Town Cinema District was established in 1999 to provide tax increment financing for the development of a multiplex cinema complex, offices, apartments, retail space and parking structures in an area north and west of the existing Old Town District. Since that time, the scope of the project has been reduced which eliminated the need for a larger financing district. It is therefore proposed to reduce the boundaries of the tax increment financing district to an area in which it is certain that redevelopment will occur.

The current boundaries of the Old Town Cinema Redevelopment District are Central Avenue on the north, Emporia on the west, Wabash on the east (one block east of Washington) and Douglas on the south, except for the area of the original Old Town between the Santa Fe railroad tracks and Washington. The proposed new boundary includes only the area immediately north of Old Town, from the railroad tracks to Washington and from Second Street to Third Street.

Under previous state law, the only way to change the boundaries of a TIF district was to completely replace the old TIF district with a new one, following all of the statutory requirements including notifying property owners and occupants by certified mail and holding a public hearing before establishing the new district by ordinance. The consequence of this procedure is that the base year for calculating TIF revenue would be moved forward to the year the new district is established, potentially diminishing the amount of TIF revenue.

In the 2001 legislative session, the TIF laws were amended to allow cities to add or remove property from a TIF district without the necessity of establishing a new district to replace the old one. Instead the boundaries of the district can be simply adjusted, without changing the base year for calculating TIF revenue. To add property to a district, cities must follow the notice and hearing procedures required for establishing new districts. To remove property from a TIF district, however, requires only adoption of an ordinance identifying the property to be removed. If the amount of property being removed is substantial, the base year valuation of district property is changed to reflect the reduced boundaries. The original TIF district remains in effect, with new boundaries.

The proposed reduction in the area of the Old Town Cinema TIF District includes the removal of all property west of Santa Fe Avenue, north of Third Street and east of Washington Avenue, as well as the City-owned parking lot north of Second Street between Moore and Meade. The area remaining in the District will include all property located between Santa Fe and Washington and Second Street and Third Street.

The removal of outlying property from the Old Town Redevelopment District will reduce the financial risk that property within the District not subject to redevelopment will be reduced in value in the future, thus reducing the amount of tax increment revenues that can be collected.

Vice Mayor Pisciotte

Vice Mayor Pisciotte inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Fearey moved that the public hearing be closed and the Ordinance approving removal of property from the Old Town Cinema Redevelopment District be placed on first reading. Motion carried 6 to 0. (Knight absent)

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ORDINANCE

An Ordinance of the City of Wichita removing property from the Old Town Cinema Redevelopment District, introduced and under the rules laid over.

REDEV. PROJECT

PUBLIC HEARING – ADOPTION OF CENTRAL AND HILLSIDE REDEVELOPMENT PROJECT PLAN. (Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1336

On October 2, 2001, the City Council took the necessary legal steps to establish the Central & Hillside Redevelopment District for the purpose of generating tax increment financing ("TIF") for eligible improvements located within the district. The action taken by the City Council established 2001 as the base year, from which the increase in property tax revenues (the tax increment) will be measured.

The next step to be taken in the TIF process is the adoption of a redevelopment project plan which includes a feasibility study and a description of the redevelopment projects being funded with TIF proceeds. With the adoption of the redevelopment project plan, the County Treasurer will be authorized and directed to begin capturing the tax increment and distributing the money to the City to pay project costs. On November 6, 2001, the City Council adopted a resolution stating it is considering the adoption of the Redevelopment Plan and directed the City Clerk to give notice that a public hearing would be held on the matter on December 11, 2001.

K.S.A. 12-1770 et seq. sets forth the procedures and requirements for the establishment of a TIF district and the capture of TIF dollars. In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected in the district, the City must adopt a redevelopment project plan that describes the district and the projects being financed with the TIF, and also establishes the financial feasibility of the TIF to finance the public improvements. The statute also directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On December 6, 2001, the Metropolitan Area Planning Commission met to consider the East Bank Redevelopment Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

The Financial Feasibility Study contained in the Redevelopment Project Plan examines the County's assessed valuation of the property located within the Central & Hillside Redevelopment District, with respect to the value of the property in the base year (2001) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2004). The following table summarizes the revenue side of the analysis:

	<u>2001 Base Year</u>	<u>2004 Projected</u>
Appraised Value	\$4,889,600	\$44,148,490
Assessed Value	\$1,046,697	\$10,989,826
Captured Value	\$0	\$9,943,130
2001 Mill Levy	95.054	95.054
Annual Tax Increment	\$0	\$945,134

The analysis assumes that only those projects which are currently planned will be constructed, that assessed property values in the district will grow at a rate of 1% per year, and that the 2001 City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues is sufficient to retire the principal and interest on a \$1.5 million general obligation tax increment bond issue over a seven-year period.

The plan for redevelopment of the Central & Hillside area includes of the demolition of the existing structures in the Project Area and the construction of four major project components and associated infrastructure and landscaping. The Project Area is currently owned or leased by Starr Holdings, L.L.C.

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and has had a Planned Unit Development approved by the MAPC. The four project components include:

Walgreen's Pharmacy – The 14,400 square foot single-story building will replace the existing Osco Drug Store which will be demolished and removed from the site. Construction is planned to start in March 2002 and be completed in August 2002, at an estimated cost of \$1,776,000.

89-room hotel – The 4-story hotel will replace the Wesley Motor Inn, currently located at the northwest corner of Central and Rutan, which will be demolished as part of a major expansion of Wesley Medical Center. Construction is planned to start in March 2002 and be completed before January 2003, at an estimated cost of \$2,500,000.

Neighborhood Strip Center – The strip center will include approximately 20,000 square feet of leaseable commercial retail space. Construction is planned to start as soon as planned drainage improvements have been constructed by the City of Wichita and will be completed approximately 150 days later, at an estimated cost of \$1,400,000.

Daycare Center – The one-story building will include approximately 19,000 square feet of gross usable space. Construction is planned to start in March 2002 and be completed in September 2002, at an estimated cost of \$4,000,000.

USE OF TAX INCREMENT FINANCING

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue general obligation bonds to finance the TIF-funded improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-funded improvements consist of the following:

Property acquisition – The City will purchase the hotel parcel from Starr Holdings for a total cost not-to-exceed \$750,000. The parcel will be leased to the hotel entity subject to the terms of the ground lease.

Demolition costs – The City will contribute one-fourth of the cost of demolishing and removing the building known as the "Blue Goose" or 3333 East Central, estimated total cost of \$600,000. The City's contribution will be capped at \$150,000.

Drainage improvements – The City will undertake drainage improvements at the site, such that the currently open drainage ditch is replaced with underground stormwater drainage pipes. The estimated cost of the drainage improvements is \$350,000. Baughman Engineering has been tentatively selected to design the drainage improvements.

Landscaping and Screening Walls – The City will pay the cost of constructing a screening wall and landscaping adjacent to residential areas to the south and east of the Project Area, total cost not-to-exceed \$100,000.

Pedestrian crosswalk – The City will install a signalized pedestrian crosswalk across Central Avenue in front of the hotel, at an estimated cost of \$25,000.

It is anticipated that the projects funded with tax increment financing will be financed with general obligation bonds. To the extent that tax increment revenues fall short of projections, City-at-large funding will be required to supplement tax increment revenues.

The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the ordinance must be approved by a two-thirds majority. In addition, a bonding resolution has been prepared to initiate the TIF-funded improvement projects

Vice Mayor Pisciotte

Vice Mayor Pisciotte inquired if anyone wished to be heard.

Karen Regier

Karen Regier, property owner at Lorraine and Central said the project is too far away from their business, and the area is not really blighted. Also, if they are included in the redevelopment district, they would be more subject to eminent domain. Mrs. Regier asked to be removed from the district.

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Kim Hamblin

Kim Hamblin spoke in support of the win/win plan.

Motion --

Brewer moved that the public hearing be closed; the Ordinance adopting the Central & Hillside Redevelopment Project Plan be placed on first reading; the Resolution authorizing the TIF-funded improvements be adopted; and Baughman Engineering be approved to design drainage improvements.

-- carried

Motion carried 6 to 0. (Knight absent)

RESOLUTION No. 01-519

A Resolution authorizing the issuance of Full Faith and Credit Tax Increment Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of design and construction an underground storm water drainage system and associate improvements at the Central and Hillside Redevelopment Project Area, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

ORDINANCE

An Ordinance adopting a Redevelopment Project Plan for the Central and Hillside Redevelopment District, introduced and under the rules laid over.

Mayor Knight present and in the Chair.

HOME FUNDING

HOME FUNDING FOR CASE BUILDING. (District VI)

Roy Johnson

Director of Housing Services reviewed the Item.

Agenda Report No. 01-1337.

During the 2000-2001 Consolidated Plan funding process, the City Council approved \$605,000 in HOME funding for the development of housing in the City's Neighborhood Revitalization Area. Additional funding has also been designated in 2001-2002 and 2002-2003 Consolidated Plan.

A Request for Proposals was issued in connection with the 2000-2001 funding. Four responses were received, and were evaluated by a staff review committee. Criteria included scoring for the following items: Overall Development Plan, Qualification of the Respondent, Qualification and Experience of the Development Team, Property Management Experience, Financial Feasibility/Development Time Frame, Financial Condition and the Performance Record of the Respondent, as well as Time Frame for Commencement and Completion of the Development Plan. Bonus points were awarded for such things as Minority Ownership, Staffing, Participation and Subcontracting. Bonus points could also be awarded for mixed-income projects, if the project was perceived as a development catalyst, and if the project could return the City's investment.

A proposal submitted by Garrison Companies, a company owned by Gary Hassenflu of Prairie Village, Kansas, received the high score from the staff review committee, based on the above criteria. Garrison Companies proposes to renovate the former Case Supply Building located at 355 N. Rock Island in Old Town, in order to provide for a 48-unit residential apartment complex. 24 units would be designated to be affordable units, with at least 5 of these units designated to be HOME-assisted units.

Based on an analysis of the financial statements for the project, the Housing Services Department recommends an allocation of HOME funding in the amount of \$300,000 in the form of a 30-year, 3% loan, with payments to be made annually from residual receipts. Any unpaid amounts would be due on the maturity date.

The total development cost for this project is estimated to be \$5,811,752. In addition to the recommended allocation of HOME funding, Garrison Companies proposes to finance the remainder of the project with funding to be provided through the sale of Low Income Housing Tax Credits, in the amount of \$1,262,345, the sale of Federal Historic Tax Credits, in the amount of \$828,623, the sale of

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State Historic Tax Credits, in the amount of \$609,281, Deferred Developers fees of \$436,503, and Permanent Mortgage Loan Proceeds of \$2,375,000.

Garrison Companies has already received a resolution of support from the City Council for its application for Low-Income Housing Tax Credits.

HOME funding must be utilized in accordance with the applicable HOME regulations. A written agreement describing the developer's responsibilities and the City's requirements will be drafted by the Housing Services Department, and will be approved as to form by the Law Department.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the allocation of HOME funding in the amount of \$300,000 be approved; Staff be authorized to negotiate the funding Agreement; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

HILLSIDE IMP.

HILLSIDE IMPROVEMENT – KELLOGG TO CENTRAL. (Districts I and II)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-1338

The Capital Improvement Program includes a project to reconstruct Hillside between Kellogg and Central. Districts I and II Advisory Boards sponsored neighborhood hearings on September 10, 2001, and September 17, 2001, to consider the project. Both Boards expressed support of the improvement.

The proposed design concept provides for four through lanes and a center two-way left turn lane. Left turn lanes will be provided at the north and south approaches to the Hillside/Douglas, Hillside/1st Street and Hillside/2nd Street intersections.

The 2002 Capital Improvement Program includes \$500,000 for right-of-way acquisition. The funding source is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Mr. Perkins

Mr. Perkins, owner of building at 245-249 Hillside, said the project would eliminate one row of parking immediately south and would make properties unable to be sold.

Mary Kruse

Mary Kruse, owner of building on the southeast corner of Hillside and Douglas, inquired whether this would affect her property.

Mike Lindebak

City Engineer explained that her property was not part of the present plan.

Motion --

Brewer moved that the design concept and right-of-way acquisition project be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance declaring Hillside, from Kellogg to Central, 472-83453, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. introduced and under the rules laid over.

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PAWNBROKERS

ORDINANCE AMENDMENTS PERTAINING TO PAWNBROKERS, SECONDHAND DEALERS, AND PRECIOUS METAL DEALERS.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 01-1339.

Over the past several years, various enforcement issues have arisen regarding the City's pawnbroker and secondhand dealer ordinances. The ordinances were contained in several Charter Ordinances which have created some confusion in the enforcement and prosecution. Additionally, the ordinances were outdated and needed to be updated to allow for electronic reporting by dealers.

In August 2000, the United States Federal District Court in *Wichita Direct, L.P. v. City of Wichita*, held that the residency requirements contained in the City's ordinance and state statutes were an unconstitutional infringement on the Commerce Clause of the United States Constitution. This decision required that changes be made to the ordinance and its licensing requirements.

Over the last year, Wichita Police Department and Law Department staff have met and drafted a better-organized charter ordinance. On July 12, 2001, Wichita Police Department Staff met with licensed pawnbrokers secondhand dealers and precious metal dealers. Input from licensees was used to further revise the Charter Ordinances.

Many of the changes to the ordinance were organizational. Several substantive changes include:

I. LICENSING REQUIREMENTS

- A. Residency requirements were deleted from ordinance.
- B. Fees for secondhand dealers were increased by \$50.00 to offset costs associated with monitoring and increased reporting requirements.
- C. The Ordinance allows for off site sales with the issuance of an appropriate permit. Off site events are limited to five days in duration. No more than three permits can be issued in any twelve-month period. This is to accommodate out-of-state vendors who wish to purchase items for resale.

II. REPORTING REQUIREMENTS

- A. Changes were made to allow for electronic reporting to the Wichita Police Department.
- B. Amendments were made to clarify what information must be reported regarding pawn transactions.
- C. Companies dealing exclusively with computer software, videos and music CDs, tapes and cassettes are exempt from reporting requirements.

III. PROHIBITED TRANSACTIONS

- A. Transactions with individuals who are intoxicated or under the influence of drugs are prohibited.
- B. Revocation of the license is mandated if the sale of a weapon to a minor is shown by competent evidence. (Mandated by state law.)

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

CHARTER ORDINANCE

A Charter Ordinance exempting the City of Wichita, Kansas, from the provisions of K.S.A. 16-706; 16-707; 16-708; 16-709; 16-710; 16-711; 16-712; 16-713; 16-714; 16-715; 16-716; 16-717; 16-718; and 16-721 and Amendments thereto and providing substitute and additional provisions on the same subject relating to pawnbrokers and pawn-broking businesses; secondhand dealers and precious metal

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dealers, providing for licensing thereof, prohibiting certain acts and declaring violations thereof to be a crime; and repealing the originals of Charter Ordinance No's. 134 and 141, introduced and under the rules laid over.

CORR. HOUSING

ORDINANCE AMENDMENT PERTAINING TO MEMBERSHIP QUALIFICATIONS FOR THE ALTERNATIVE CORRECTIONAL HOUSING ADVISORY BOARD.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 01-1340.

In December of 2000, the Wichita Alternative Correctional Housing Advisory Board was created by the City Council. The ordinance establishing the board requires that it consist of members who possess expertise in designated aspects of the criminal justice system. City ordinance also sets forth general minimum standards of qualifications of appointive board members, some of which would deter attempts to fill the alternative correction housing advisory board with members who possess the expertise required.

The proposed ordinance amendment exempts members of the alternative correctional housing advisory board from certain minimum qualifications for appointive board members as set forth in Section 2.12.010 of the City Code. Specifically, the provisions of that section which require persons appointed to the board be residents of the city, and prohibit any person regularly employed on a full-time basis by the City from appointment to the board are made inapplicable to the Alternative Correction Housing Advisory Board by the proposed amendment. This change corrects an oversight that occurred with the passage of the original ordinance establishing the board, and will assist the City Council in appointing board members who possess the expertise necessary to effectively advise the Council on correctional housing matters.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.12.1150 of the Code of the City of Wichita, Kansas, pertaining to qualifications for members of the Alternative Correctional Housing Advisory Board, and repealing the original thereof, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Council Member Gale appointed Sue Davis (Solid Waste Management) and moved that the appointment be approved. Motion carried 7 to 0.

Motion --

-- carried

Council Member Martz appointed Amy Garcia (DAB V) and moved that the appointment be approved. Motion carried 7 to 0.

TRAVEL APPROVAL

APPROVAL OF TRAVEL EXPENSES FOR MAYOR KNIGHT TO WASHINGTON, DC, JANUARY 23-25, 2002, TO ATTEND U. S. CONFERENCE OF MAYORS WINTER MEETING.

Motion -- carried

Pisciotta moved that the expenditures be authorized. Motion carried 7 to 0.

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CONSENT AGENDA

Knight moved that the Consent Agenda, including addendum items, except Item 26b, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 10, 2001.

Bids were opened November 30, and December 7, 2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Improving and widening Maple from 135th Street West to 119th Street West - north of Kellogg, 135th West to 119th West. (87 N-0195-01/472-83262/706817 /201283) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Ritchie Paving - \$2,980,296.08

2002 utility cut repair of streets, driveways and sidewalks - north of 47th Street South, east of 135th Street West. (472-83443/132035/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI)

Cornejo & Sons Construction - \$1,199,800.00 (Engineer's estimate)

2001 contract maintenance residential street repairs - north of 47th Street South, east of 135th Street West. (472-83447/706809/132710/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI)

McFadden Construction - \$68,000.00 (Engineer's estimate)

Rocky Glen from the south line of Lot 49, Block 6 Rocky Creek Addition to the south line of Tallowood. A sidewalk shall be constructed on the west side of Rocky Glen from the south line of Lot 49, Block 6, Rocky Creek Addition to the south line of Tallowood, to serve Rocky Creek and Rocky Creek Second Additions - north of Central, east of Greenwich. (472-83431/765701/490812) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$65,702.25

Onewood, from the west line of the plat, east of the west line of 135th Street West, and on Dogleg from the south line of Onewood, south to the south line of the plat; Onewood Court, from the south line of Onewood, south to and including the cul-de-sac and on Onewood Court, from the south line of Onewood, south to and including the cul-de-sac; sidewalk constructed along one side of Onewood from the west line of the Plat, east to the west line of 135th Street West to serve Auburn Hills 13th Addition - south of Maple, west of 135th Street West. (472-83417/765694/490805) Does not affect existing traffic. (District V)

APAC - Kansas Inc. - \$478,974.40

Decel lane and left turn lane in Woodlawn from 37th Street North to Brookview to serve Whispering Brook Commercial Second Addition - west of Woodlawn, south of 37th Street North. (472-83329/765690/490801) Traffic to be carried through construction; and Decel lane and left turn lane in 37th Street North from the northwest corner of Lot 4, Block 1, Whispering Brook Commercial Second Addition to Woodlawn to serve Whispering Brook Commercial Second Addition - south of 37th Street North, west of Woodlawn. (472-83330/765706/) Traffic to be carried through construction. (District I)

Cornejo & Sons Construction - \$178,007.50 (Total aggregate bid)

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Improving 21st Street North from Hillside to Oliver (east of Hillside at 21st Street North) (87 N-0200-01-01/472-83368/706823/201289) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$1,043,051.62 (Subject to KDOT approval)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: STREET SWEEPER.
(130807)

Key Equipment & Supply Co. - \$111,260.00 (Base bid total)
<\$ 18,000.00> (Option 1 <deduct>)
\$ 42,500.00 (Option 4/lump sum)
Standard (Option 5/lump sum)
\$ 2,380.00 (Option 6/lump sum)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Combination Sewer Cleaner and Vacuum Waste Removal System Mounted on 54,000 GVW Cab; and Chassis and Sewer Cleaner Mounted on 42,000 GVW Cab and Chassis. (184804)

Key Equipment & Supply Co. - \$257,851.25 (Group 1-Total net/base bid/alternate bid)
<\$ 69,471.00> (Group 1/Option 1<deduct>)
\$ 3,049.00 (Group 1/Option 2/total)
\$ 1,250.00 (Group 1/Option 3/total)
\$ 200.00 (Group 1/Option 4/total)
\$ 2,675.00 (Group 1/Option 6/total)
No Charge (Group 1/Option 7/total)
\$ 2,867.00 (Group 1/Option 9/total)
No Charge (Group 1/option 10/total)
\$112,468.00 (Group 2/base bid total)
\$ 1,101.00 (Group 2/Option 1/total)
\$ 2,675.00 (Group 2/Option 2/total)
\$ 847.00 (Group 2/Option 3/total)
\$ 5,546.00 (Group 2/Option 4/total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Cab and Chassis with Various Bodies. (130807)

Kansas Truck Center - \$154,702.00 (Group 1/base bid total)
<\$ 17,000.00>(Group 1/option 1/lump sum <deduct>)
Roberts Truck Center - \$ 74,325.00 (Group 2/total net bid)
Kansas Truck Center - \$105,786.00 (Group 3/base bid total)
No charge (Group 3/option 1/per vehicle)
\$ 595.00 (Group 3/option 2/per vehicle)
\$ 623.00 (Group 3/option 3/per vehicle)
(No charge) (Group 3/option 4/per vehicle)
\$ 576.00 (Group 3/option 5/per vehicle)
\$14,872.00 (Group 3/option 6/per vehicle)
\$22,072.00 (Group 3/option 7/per vehicle)

AIRPORT: Electrical Distribution System Improvements - Phase IV. (500970)

Atlas Electric LLC - \$383,950.00 (Lump sum total)

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POLICE DEPARTMENT: Police Officer Uniforms. (083600)

Baysinger - \$ 26.00 (Total item 1/per each)
\$ 1.00 (Total item 2/per each)
\$ 6.50 (Total item 3/per each)
\$ 6.50 (Total item 4/per each)
\$ 8.60 (Total item 5/per each)
\$ 4.00 (Total item 6/per each)
\$ 82.10 (Total item 7/per each)
\$ 84.45 (Total item 8/per each)
\$ 81.00 (Total item 9/per each)
\$ 45.35 (Total item 10/per each)
\$ 45.35 (Total item 11/per each)
\$ 38.40 (Total item 12/per each)
\$ 38.40 (Total item 13/per each)
\$ 34.70 (Total item 14/per each)
\$ 34.70 (Total item 15/per each)
\$ 3.00 (Total item 16/per each)
\$ 33.70 (Total item 17/per each)
\$ 2.95 (Total item 18/per each)
\$ 75.50 (Total item 19/per each)
\$182.50 (Total item 20/per each)
\$190.50 (Total item 21/per each)
\$ 27.20 (Total item 22/per each)
\$ 92.50 (Total item 23/per each)
\$ 22.80 (Total item 24/per each)
\$ 16.00 (Total item 25/per each)
\$ 7.35 (Total item 26/per each)
\$ 11.10 (Total item 27/per pair)
\$ 11.10 (Total item 28/per pair)
\$ 9.90 (Total item 29/per pair)
\$ 9.90 (Total item 30/per pair)
\$ 8.00 (Total item 31/per pair)
\$ 7.35 (Total item 32/per pair)
\$ 7.35 (Total item 33/per pair)
\$ 6.60 (Total item 34/per pair)
\$ 8.20 (Total item 35/per pair)
\$ 4.00 (Total item 36/per each)
\$ 5.35 (Total item 37/per each)
\$ 6.70 (Total item 38/per each)
\$ 6.00 (Total item 39/per each)
\$ 25.00 (Total item 40/per pair)
\$ 3.00 (Total item 41/per each)
\$ 22.00 (Total item 42/per each)
\$ 36.10 (Total item 43/per each)
\$111.35 (Total item 44/per each)
\$ 11.90 (Total item 45/per each)
\$ 11.25 (Total item 46/per each)
\$ 9.45 (Total item 47/per each)
\$ 5.00 (Total item 48/per each)
\$ 12.70 (Total item 49/per each)
\$ 12.70 (Total item 50/per each)
\$ 19.30 (Total item 51/per each)
\$ 12.70 (Total item 52/per each)
\$ 17.70 (Total item 53/per each)
\$ 4.00 (Total item 54/per each)
\$ 99.00 (Total item 55/per each)
\$ 60.50 (Total item 56/per each)
\$ 54.50 (Total item 57/per each)

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\$ 3.75 (Total item 58/per set)
\$ 20.50 (Total item 59/per pair)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Agricultural Tractor
Equipped with Rubber Tracks. (184317)

Foley Equipment Co. - \$140,271.00 (Total base bid)
<\$23,000.00> (Total option 1 <deduct>)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Gate Replacement and
Repair. (130823)

American Fence Co. - \$16,942.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: 55 P.T.O. HP Rubber-
Tired Tractor with Front End Loader and 74" Flail Mower. (184077)

Suburban Equipment Inc. - \$18,200.00 (Group 1/total base bid)
\$ 4,300.00 (Group 1/total/option 1)
Price Brothers Equipment Co. - \$2,550.00 (Group 2/total net bid)

WATER & SEWER DEPARTMENT/DISTRIBUTION DIVISION: Rubber-Tired Tractor Loader
/Backhoe and Trailers. (183327)

Sellers Tractor Co. Inc. - \$131,742.00 (Group 1/total base bid)
\$ 1,523.00 (Group 1/lump sum total/option 1)
\$ 2,434.00 (Group 1/total option 2//per each))
<\$45,930.00> (Group 1/lump sum total option 3 <deduct>)
The Victor L. Phillips Co. - \$ 29,655.00 (Group 2/total base bid)
\$ 316.00 (Group 2/total option 1/per each)
<\$ 6,000.00> (Group 2/lump sum total/option 2<deduct>)
Murphy Tractor & Equipment Co. Inc. - \$6,399.00 (Group 3/lump sum total)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Street Lighting Maintenance. (130161)

Phillips Southern Electric Co., Inc. - \$35.00 (Item 1/per hour)
\$20.00 (Item 2/per hour)
\$10.00 (Item 3/per hour)
\$28.00 (Item 4/per hour)
\$32.00 (Item 5/per hour)

PARK DEPARTMENT/MAINTENANCE DIVISION: Front Deck, Flail and Rotary Mowers.
(170258)

Outdoor Equipment Co. - \$34,174.98 (Group 1/total base bid total)
\$ 2,700.84 (Group 1/total option 1/per mower)
\$ 280.00 (Group 1/total option 2/per 60" mower)
\$ 266.00 (Group 1/total option 2/per 72" mower)
No charge (Group 1/total option 3/per 60" mower)
\$ 280.00 (Group 1/total option 3/per 72" mower)
<\$3,000.00> (Group 1/lump sum total <deduct>)
Price Brothers Equipment Co. - \$2,550.00 (Group 2/total net bid)
Sellers Tractor Co. Inc. - \$13,059.00 (Group 3/total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Brake and Parts Cleaning Equipment &
Services. (130849)

Safety-Kleen Systems - \$ 62.40 (Item 1/per each)
\$ 65.20 (Item 2/per each)

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\$ 70.20 (Item 3/per each)
\$ 66.40 (Item 4/per each)
\$ 62.40 (Item 5/per each)
\$ 66.40 (Item 6/per each)
\$151.00 (Item 7/per each)
\$ 66.40 (Item 8/per each)
\$ 66.40 (Item 9/per each)
\$ 62.40 (Item 10/per each)
\$104.40 (Item 11/per each)
\$ 86.20 (Item 12/per each)
\$ 66.00 (Item 13/per each)
\$ 62.00 (Item 14/per each)
\$ 92.00 (Item 15/per each)
\$ 75.60 (Item 16/per each)
\$104.40 (Item 17/per each)
\$104.40 (Item 18/per each)
\$104.40 (Item 19/per each)
\$ 37.00 (Item 20/per each)
\$ 66.00 (Item 21/per each)
\$ 62.00 (Item 22/per each)
\$104.40 (Item 23/per each)
\$ 54.80 (Item 24/per each)
\$ 54.80 (Item 25/per each)
\$ 67.00 (Item 26/per each)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Pebble Quicklime - Bulk Delivery. (183632)

Global Stone St. Clair Inc. - \$74.70 (Cost per ton)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Floor Scrubbers and Carpet Cleaners. (130559)

WW Grainger Inc. - \$9,242.94 (Group 1/total net bid)
Institutional Maintenance Supply - \$7,120.00 (Group 2/total net bid)

LIBRARY DEPARTMENT: Library Furniture. (101030)

Bowlus School Supply - \$8,668.35 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Carpet - Installation and Repair. (127001)

National Flooring - \$ 9.65 (Item 1/per square yard)
\$ 8.40 (Item 2/per square yard)
\$65.00 (Item 3/per square yard)
\$20.00 (Item 4/per square yard)
Firm (Item 5 price/firm (F) or escalating (E))

FINANCE DEPARTMENT/TREASURY DIVISION: Pressure Sensitive Automatic Folder/Sealer. (037408)

Business Protection Equipment - \$11,895.00 (Total net bid)
<\$ 450.00> (Option 1 total <deduct>)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Manhole Frame and Covers. (181804)

Deeter Foundry Inc. - \$ 96.00 (Item 1/per each)

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\$ 96.00 (Item 2/per each)
\$228.00 (Item 3/per each)
\$ 50.00 (Item 4/per each)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: State Office Building Parking
Garage Repairs. (205203)

Western Waterproofing Co. - \$27,300.00 (Lump sum total base bid)
\$ 2,474.00 (Lump sum total/option 1)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage
Improvements at 21st Street and Minnesota; and 630 North Hoyt. (660465)

Utility Contractors - \$18,750.38 (Group 1/total net bid)
W B Carter Construction Co. - \$35,231.00 (Group 2/total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and Exterior
Modifications at 2642 North Ash and 2205 Hiram. (097805)

Baker Drywall & Construction - \$70,430.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior/Exterior
Modifications at 3314 South Palisade. (097805)

S&A Construction - \$20,840.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Roof and Gutter Repair &
Replacement at Various Sites. (097805)

Midwest Roofing Services Inc. - \$25,200.00 (Group 1/lump sum total)
Williamson Construction - \$31,934.75 (Group 2/lump sum total)
Midwest Roofing Services Inc. - \$33,860.00 (Group 3/lump sum total)

VARIOUS DEPARTMENTS: Automobiles, Cargo & Mini Vans; and Pickup Trucks. (130807)

Don Hattan Chevrolet Geo Inc. - \$113,220.00 (Group 1/total base bid)
\$ 205.00 (Group 1/total option 1/per each)
Standard ((Group 1/option 2/per each)
\$634,235.00 (Group 2/total base bid)
\$ 45,812.00 (Group 3/total base bid)
Standard (Group 3/total option 1/per each)
\$ 180.00 (Group 3/total option 2/per each)
\$ 79.00 (Group 3/total option 3/per each)
Standard (Group 3/total option 4/per each)
\$ 830.00 (Group 3/total option 8/per each)
\$ 121.00 (Group 3/total option 9/per each)
\$ 805.00 (Group 3/total option 10/per each)
\$ 37,914.00 (Group 4/total base bid)
Standard (Group 4/total option 1/per each)
\$ 79.00 (Group 4/total option 3/per each)
Standard (Group 4/total option 4/per each)
\$ 3,076.00 (Group 6/total option 7/per each)
\$ 830.00 (Group 4/total option 8/per each)
\$ 121.00 (Group 4/total option 9/per each)
\$ 805.00 (Group 4/total option 10/per each)

Rusty Eck Ford Inc. - \$137,544.00 (Group 5*/total base bid)
Standard (Group 5*/total option 1/per each)

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Standard (Group 5*/total option 2/per each)
\$ 107.00 (Group 5*/total option 3/per each)
\$ 298.00 (Group 5*/total option 4/per each)
\$ 2,772.00 (Group 5*/total option 5/per each)
\$ 128.00 (Group 5/Additional Option Trailer Hitch)
*alternate bid

Don Hattan Chevrolet Geo Inc. - \$20,173.00 (Group 6/total base bid/per each)
Standard (Group 6/total option 1/per each)
Standard (Group 6/total option 2/per each)
Standard (Group 6/total option 3/per each)
Standard (Group 6/total option 4/per each)
\$ 2,383.00 (Group 6/total option 6/per each)
\$ 2,784.00 (Group 6/total option 7/per each)
\$21,856.00 (Group 7/total base bid/per each)
\$ 805.00 (Group 7/total option 1/per each)
\$ 179.00 (Group 7/total option 2/per each)
\$ 59.00 (Group 7/total option 3/per each)
Standard (Group 7/total option 4/per each)
\$ 2,784.00 (Group 7/total option 5/per each)
Standard (Group 7/total option 6/per each)
\$ 5,492.00 (Group 7/total option 7/per each)
\$ 2,589.00 (Group 7/total option 8/per each)
\$ 191.00 (Group 7/total option 10/per each)

Rusty Eck Ford Inc. - \$47,135.55 (Group 8/total base bid/per each)
\$ 296.00 (Group 8/total option 1/per each)
\$41,931.70 (Group 9/total base bid/per each)
\$ 115.00 (Group 9/total option 2/per each)
\$ 296.00 (Group 9/total option 4/per each)
\$18,764.00 (Group 10/total base bid/per each)
Standard (Group 10/total option 1/per each)
Standard (Group 10/total option 2/per each)
\$ 435.00 (Group 10/total option 3/per each)
Standard (Group 10/total option 4/per each)
Standard (Group 10/total option 4B/per each)
Standard (Group 10/total option 5/per each)
Standard (Group 10/total option 6/per each)
Standard (Group 10/total option 7/per each)
\$16,446.00 (Group 11/base bid/per each)
\$ 441.00 (Group 11/total option 1/per each)
Standard (Group 11/total option 2/per each)
\$79,820.00 (Group 12/total base bid)
\$ 176.00 (Group 12/total option 2/per each)
\$21,815.00 (Group 13/total net bid)
\$25,152.00 (Group 14/total net bid)
\$35,276.00 (Group 15/lump sum total)
\$17,630.00 (Group 16/total base bid/per each)
Standard (Group 16/total option 1/per each)
Standard (Group 16/total option 2/per each)
\$ 179.00 (Group 16/total option 3/per each)
Standard (Group 16/total option 4/per each)
Standard (Group 16/total option 5/per each)
\$ 200.00 (Group 16/total option 7/per each)
\$ 2,818.00 (Group 16/total option 8/per each)
\$27,635.00 (Group 17/Total base bid/per each)
\$ 5,344.00 (Group 17/total option 1/per each)
\$ 96.00 (Group 17/total option 2/per each)
\$ 340.00 (Group 17/total option 3/per each)

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\$ 6,294.00 (Group 17/total option 4/per each)
Standard (Group 17/total option 5/per each)
Standard (Group 17/total option 6/per each)
\$32,730.00 (Group 18/total base bid/per each)
Standard (Group 18/total option 1/per each)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Motorola Portable and Mobile Radios. (172015)

Commenco, Inc. - \$67,110.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Carpet Replacement at the Finney State Office Building. (205203)

National Flooring - \$7,800.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Motorola Portable Radio. (184804)

Commenco, Inc. - \$11,584.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: On-Board Vehicle Weighing System. (184804)

Key Equipment & Supply Co. - \$9,187.50 (Total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Quick Coupler and 4-in-1 Bucket. (132225)

Sellers Tractor Co. Inc. - \$34,410.00 (Total net bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: 8,000 LB. GVW Trailer. (173708)

Sellers Tractor Co. Inc. - \$7,114.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Heating and Air Conditioning Units 30, 15, 12 1/2 Ton. (130823)

Superior Supply Company - \$32,895.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signal Equipment. (132217)

Control Technologies - \$32,534.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Food Service Concession Equipment. (785766)

American Fun Food - \$15,246.00 (Group 1/total net bid)
Sunflower Restaurant Supply Inc. - \$13,473.00 (Group 2/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Operator - Adult Entertainment

Valerie Washington Camelot Theater 1519 South Oliver

Motion --
-- carried

Knight moved that the License Application be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Carmen Rosales	Connie's Mexico Café*	2227 North Broadway
Guadalupe Cordova	Chico's Restaurant*	3949 West Douglas
B.J. Berning	Pizza Villa Restaurant*	2342 South Maize Road
Mon Fee Wong	Golden Dragon Restaurant*	6100 East 21st Street #180
Rick L. Schroer	Playtime Inc./dba Rose Bowl East*	7001 East Kellogg
Warren Kent Myer	Sim Park Golf Course*	2020 West Murdock
Danny Vo	Lotus Garden Restaurant*	2135 West 21st Street North
Michael J. Keays	Godfather's Pizza #17019*	2106 Amidon
Cheryl L. Gehlen	Annex Lounge*	6305 East Harry
Eldon L. Self	LW Clapp Golf Course*	4011 East Harry

(Consumption off Premises)

James Steindler	Gotta Stop	5600 West MacAthur Road
Van T. Ho	Lee's Convenience Store	2828 East 21st Street North
Lethanh T. Le	Broadway Supermarket/ Le Enterprises LLC	1336 North Broadway
Gene Clasen	Checkers	245 East 47th Street South
Robert J. Bales	Klepper Marketing Inc./dba Pit Stop	565 North Market
David Bullington	Sam's Club West #6418	3415 North Rock Road

<u>New Operator</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Phil Near	Crescent Oil Company Inc. dba Jump Start #19	3805 West 21st Street North

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) Seneca, from 100 feet north of the centerline of Maple to the south line of Third Street - south of Central, west of Arkansas River. (472-82966/448-89631/706747/631846/208228/544232) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$3,255,742.50

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b) Lateral 57, Main 3, Southwest Interceptor to serve Vilm Gardens Addition - west of Seneca, south of MacArthur. (468-83344/743895/480583) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$8,000.00

c) 19th Street North from the east line of Vinegate to the west line of 19th Street Court North; Churchill from the east line of Frederic to the east line of Lot 5, Block 1; and Frederic/Red Oaks from the south line of Lot 24, Block 6, to the north line of Churchill. Sidewalk along the north side of 19th Street North from Vinegate to Frederic; the south side of 19th Street North from Frederic to 19th Court North; and on the east side of Frederic from 19th Street North to the south line of Lot 28, Block 7 to serve Remington Place Addition - east of Webb, south of 21st Street North. (472-83375/765698/490809) Does not affect existing traffic. (District II) - \$600,000.00

d) 2001 Contract maintenance preparatory curb & gutter and miscellaneous Street Repairs - north of 47th Street South, east of 135th Street West. (472-83428/132710/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI) - \$171,900.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Sanitary Sewer Easement dated November 2, 2001 from Unified School District No. 259, Sedgwick County, Kansas, for a tract of land in the Northeast Quarter of Section 21, Township 27 South, Range 1 East of the 6th P.M. (Private Project, OCA #607861). No cost to City.

b) Utility Easement dated October 27, 2001 from DL & MB Investments, L.L.C., a Kansas Limited Liability Company, for tracts of land in Lots 7, 8, 9, 10, 11 and 12, Block 7, Southwest Industrial Addition to Wichita, Kansas (Private Project, OCA #607861). No cost to City.

c) Drainage and Utility Easement dated November 14, 2001 from West Wichita Development, Inc., a Kansas Corporation, for tracts of land in Lots 8, 9, 10 and 11, Block B, Auburn Hills 13th Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

d) Sanitary Sewer Easement dated November 15, 2001 from Jenla Real Estate Management Services, L.L.C., a Kansas Limited Liability Company, for a tract of land adjacent to Lots 45, 47, 49 and 51, Montrose Park Addition to Wichita, Kansas (2001 SS Recon., OCA #620328). No cost to City.

e) Sanitary Sewer Easement dated October 31, 2001 from Lyle V. Wynn Rev. Trust, for a tract of land adjacent to Lots 46, 48, 50 and 52, Montrose Park Addition to Wichita, Kansas (2001 SS Recon., OCA #620328). No cost to City.

f) Affidavit dated November 19, 2001 from Michael E. Lindebak, P.E., City Engineer for streets in Smithmoor 10th Addition to Wichita, Sedgwick County, Kansas (Engineering, OCA #132001). No cost to City.

Motion --

-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

COST STATEMENTS STATEMENTS OF COST:

a) Improving Killenwood, from the east line of Greenwich to the west line of Reserve B to serve Killenwood Pointe Addition and unplatted tract (south of 13th Street North, east of Greenwich Road). Total Cost - \$92,053.30 (plus idle fund interest - \$1,492.38, plus temporary note interest - \$2,927.32). Financing to be issued at this time - \$96,473.00. (765652/472-83257/490-63).

b) Improving Rita, from the east line of West Street to Kessler; and Kessler, from Rita to the south line of Jewell to serve Alcorn Industrial Addition (north of Pawnee, east of West Street). Total

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Cost - \$224,702.80 (less idle fund interest - \$1,910.94, plus temporary note interest - \$7,365.14).
Financing to be issued at this time - \$230,157.00. (765573/472-83083/490-684).

c) Improving Killenwood Court, from the north line of Killenwood to and including the cul-de-sac serving Lots 1 through 10, Block 1, Killenwood Pointe Addition (south of 13th Street North, east of Greenwich Road). Total Cost - \$75,167.88 (plus idle fund interest - \$1,436.27, plus temporary note interest - \$2,166.85). Financing to be issued at this time - \$78,771.00. (765653/472-83268/490-764).

d) Improving Ellson, from the west line of Ellson to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition (south of Central, east of Greenwich Road). Total Cost - \$49,456.96 (plus idle fund interest - \$2,736.04, plus temporary note interest - \$0.00). Financing to be issued at this time - \$52,193.00. (765677/472-83312/490-788).

e) Improving Central Park; Parkridge; Central Park Courts; Parkridge Court and sidewalk to serve West Ridge Estates Addition (south of 29th Street North, east of 119th Street West). Total Cost - \$337,699.80 (plus idle fund interest - \$2,415.88, plus temporary note interest - \$13,257.32). Financing to be issued at this time - \$353,373.00. (765631/472-83234/490-742).

f) Improving Taft Court, from the north line of Taft to and including the cul-de-sac to serve West Millbrook Addition (south of Maple, east of 119th Street West). Total Cost - \$47,679.91 (plus idle fund interest - \$1,434.01, plus temporary note interest - \$775.08). Financing to be issued at this time - \$49,889.00. (765624/472-83193/490-735).

g) Improving University, from the east line of Knight Street to the west line of Sheridan to serve Eureka Gardens; University Court Third; Anderson Investments Third; Dugan's; College Green; Blanchat Machine Company Additions and Unplatted Tracts (south of Maple, west of West Street). Total Cost - \$135,008.28 (plus idle fund interest - \$6,284.00, plus temporary note interest - \$841.72). Financing to be issued at this time - \$142,134.00. (765623/472-83188/490-734).

h) Improving Butler, from the east line of K-15 Highway to the west line of Clifton to serve Butler's, Craig's and Hummel Addition (south of 31st Street South, east of K-15). Total Cost - \$150,374.30 (plus idle fund interest - \$747.42, plus temporary note interest - \$5,471.28). Financing to be issued at this time - \$156,593.00. (765580/472-83080/490-691).

i) Improving a Traffic Signal to serve the intersection of 21st Street North and Bradley Fair Parkway to serve Legacy Park Wilson Estates; Bradley Fair Third Additions and 3 Tracts (south of 21st Street North, east of Rock Road). Total Cost - \$106,325.47 (plus idle fund interest - \$5,696.99, plus temporary note interest - \$387.54). Financing to be issued at this time - \$112,410.00. (765658/472-83251/490-769).

j) Improving Lewis Street, from the east line of Greenwich Road, east to the east line of the plat to serve Schofield-Hatchett Fourth Addition (north of Kellogg, east of Greenwich Road). Total Cost - \$130,753.44 (plus idle fund interest - \$784.21, plus temporary note interest - \$3,300.35). Financing to be issued at this time - \$135,938.00. (765604/472-81275/490-715).

k) Improving Cranbrook; Mt. Vernon; and sidewalk to serve Huntcrest Second Addition (south of Harry, east of Webb Road). Total Cost - \$133,649.07 (plus idle fund interest - \$1,200.54, plus temporary note interest - \$5,050.39). Financing to be issued at this time - \$139,900.00. (765640/472-83122/490-751).

l) Improving Tee Time; Lakecrest Circle and sidewalk to serve Forest Lakes Addition (north of 29th Street North, west of Ridge Road). Total Cost - \$165,590.65 (plus idle fund interest - \$4,833.61, plus temporary note interest - \$4,558.74). Financing to be issued at this time - \$174,983.00. (765647/472-82699/490-758).

m) Improving Flora, from the north line of St. Louis to 160 feet south of Central to serve Fruitvale Park Addition (south of Central, east of Hoover). Total Cost - \$151,033.04 (less idle fund interest - \$223.11, plus temporary note interest - \$6,040.07). Financing to be issued at this time - \$156,850.00. (765602/472-83146/490-713).

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- n) Improving Fairview, from the north line of 32nd Street North to the south line of 33rd Street North to serve Gibbons Gardens and Jones Park Additions (north of 29th Street North, east of Arkansas). Total Cost - \$123,446.52 (plus idle fund interest - \$327.92, plus temporary note interest - \$4,629.56). Financing to be issued at this time - \$128,404.00. (765608/472-83150/490-719).
- o) Improving Pepper Ridge; Pepper Ridge Courts and sidewalk to serve Forest Lakes West Addition (north of 29th Street North, east of Tyler Road). Total Cost - \$243,555.70 (plus idle fund interest - \$6,203.81, plus temporary note interest - \$6,773.49). Financing to be issued at this time - \$256,533.00. (765649/472-82872/490-760).
- p) Improving Bullinger, from 120 feet north to the north line of 26th Street North to the south line of 27th Street North to serve Northwest Heights, Quaker Heights, and Bullinger Gardens Additions (north of 25th Street North, west of Meridian). Total Cost - \$67,566.80 (less idle fund interest - \$636.44, plus temporary note interest - \$2,735.64). Financing to be issued at this time - \$69,666.00. (765629/472-83210/490-740).
- q) Improving Mead, from Douglas to 1st Street to serve East Wichita Addition (south of Central, east of Broadway). Total Cost - \$888,157.05 (plus idle fund interest - \$19,303.59, plus temporary note interest - \$48,957.36). Financing to be issued at this time - \$956,418.00. (764522/472-82855/490-555).
- r) Improving 32nd Street North, from the east line of Fairview to and including a hammerhead turnaround east of the drainage ditch to serve Gibbons Gardens Addition and Unplatted Tracts (north of 29th Street North, east of Arkansas). Total Cost - \$111,915.25 (plus idle fund interest - \$781.33, plus temporary note interest - \$4,127.42). Financing to be issued at this time - \$116,824.00. (765593/473-83128/490-704).
- s) Improving Rutgers; Ryan; Central Park; Ryan Circle; Rutgers Court; Sterling and Parkdale to serve Evergreen Addition (north of 21st Street North, west of Maize Road). Total Cost - \$525,259.77 (plus idle fund interest - \$2,140.20, plus temporary note interest - \$19,987.03). Financing to be issued at this time - \$547,387.00. (765644/472-83255/490-755).
- t) Improving Bedford; Killarney; Ritchfield; Bedford Court and sidewalk to serve Balthrop Addition (north of Central, east of Greenwich Road). Total Cost - \$322,654.51 (plus idle fund interest - \$2,304.65, plus temporary note interest - \$13,046.84). Financing to be issued at this time - \$338,006.00. (765639/472-83031/490-750).
- u) Improving Clear Creek Circle, from the north line of Gilbert, north to and including the cul-de-sac, and on Gilbert, from the east line of Lot 1, Block 7, west to the west line of the plat to serve Springdale Lakes Addition (south of Kellogg, east of 127th Street East). Total Cost - \$201,740.61 (plus idle fund interest - \$1,342.35, plus temporary note interest - \$7,786.04). Financing to be issued at this time - \$210,869.00. (765642/472-83249/490-753).
- v) Improving Mount Vernon; Longlake Street; Justin Street; and Justin Circle to serve Smithmoor 9th Addition (south of Harry, west of Greenwich Road). Total Cost - \$240,867.90 (plus idle fund interest - \$4,734.83, plus temporary note interest - \$6,644.27). Financing to be issued at this time - \$252,247.00. (765648/472-83109/490-759).
- w) Improving 135th Street West, from a point ½ mile north of U.S. Highway 54 to Maple to serve Auburn Hills; Auburn Hills 2nd, 3rd, Fourth, 7th, 8th, 9th, 10th, 12th, 13th; Auburn Hills Commercial; Auburn Hills Commercial Second Additions and Unplatted Tracts (north of Kellogg, east and west of 135th Street West). Total Cost - \$756,009.81 (plus idle fund interest - \$10,910.82, plus temporary note interest - \$58,612.37). Financing to be issued at this time - \$825,533.00. (765578/472-83062/490-689).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

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SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER AND A LEFT TURN LANE ON 37TH STREET NORTH FOR CHEROKEE SUNRISE WEST, WOMER PLAZA, AND SMITH VALLEY ADDITIONS - WEST OF WOMER, SOUTH OF I-235. (District VI)

Agenda Report No. 01-1341.

The Petitions have been signed by two owners, representing 100% of the improvement districts.

The Petitions are a lot split requirement.

The Petitions total \$157,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-492

Resolution of findings of advisability and Resolution authorizing construction of Lateral 41, Main 21, Sanitary Sewer #22, (west of Womer, south of I-235) 468-83362, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-493

Resolution of findings of advisability and Resolution authorizing construction of a left turn Bay on 37th Street North on the west side of Womer, (west of Womer, south of I-235) 472-83452, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IMP. 127TH STREET

IMPROVE 127TH STREET EAST, FROM ONE-HALF MILE SOUTH OF HARRY TO HARRY. (District II)

Agenda Report No. 01-1342.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve access to Equestrian Estates Addition, a new single-family development located east of 127th Street East, south of Harry. It is proposed that Street Rehabilitation funding be added to the Petition to extend the project to the City limits, ½ mile south of Harry.

The estimated project cost is \$365,000, with \$260,000 assessed to the improvement district and \$105,000 paid by the City. The funding source for the City share is General Obligation Bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-494

Resolution of findings of advisability and Resolution authorizing improving of 127th Street east from one-half mile south of Harry to Harry, (east of 127th Street East, south of Harry) 472-83425, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of

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Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0.
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

TRAFFIC SIGNALS

INSTALL TRAFFIC SIGNALS AT THE INTERSECTION OF 21ST STREET NORTH AND BRADLEY FAIR PARKWAY. (District II)

Agenda Report No. 01-1343.

On June 27, 2000, the City Council approved a Petition to install traffic signals at the intersection of 21st Street North and Bradley Fair Parkway. The developers have submitted a new Petition to modify the improvement district. The signatures on the new Petition represent 100% of the improvement district.

The traffic signals control access to the Bradley Fair retail/office complex.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-495

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal to serve the Intersection of 21st Street North and Bradley Fair Parkway, 472-83251, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District Advisory Board III, June 3, 2001
District Advisory Board III, July 3, 2001
District Advisory Board III, September 4, 2001
District Advisory Board VI, September 5, 2001
District Advisory Board II, September 10, 2001
Board of Park Commissioners, September 17, 2001
District Advisory Board I, September 17, 2001
Housing Advisory Board, September 18, 2001
Wichita Employee's Retirement System Meeting, September 19, 2001
District Advisory Board VI, September 19, 2001
Police & Fire Retirement System Meeting, September 26, 2001
Board of Code Standards and Appeals, October 1, 2001
Wichita Airport Advisory Board, October 1, 2001
District Advisory Board I, October 1, 2001
District Advisory Board III, October 2, 2001
Board of Park Commissioners, October 8, 2001
Board of Electrical Appeals-Office of Central Inspection, October 9, 2001
Alternative Correctional Housing Advisory Board, October 11, 2001
Wichita-Sedgwick County Board of Health, October 11, 2001
Wichita Public Library, October 16, 2001
Design Council, October 18, 2001
Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating and Boilers, October 25, 2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

NAT'L DEV. COUNCIL CONSULTANT AGREEMENT - NATIONAL DEVELOPMENT COUNCIL.

AGENDA REPORT No. 01-1344.

ICF is a national consulting company that provides affordable housing development/redevelopment assistance. The Department of Housing and Urban Development (HUD) through their technical assistance program, contracts with ICF to provide project specific technical assistance to entitlement cities. At the request of the City of Wichita, HUD agreed to provide cost-share assistance with the City to have a redevelopment analysis completed on Planeview that builds from prior studies. The total cost for Phase I is \$66, 928; of which \$53,446 will be paid by HUD and \$13,482 by the City of Wichita. The activities described in Phase I were initiated during Summer 2001. The agreement expires January 31, 2002 with all activities in Phase I completed.

HUD is providing The ICF technical assistance in order to assist the City to assess redevelopment activities in Planeview. The final report for Phase I will be provided in January, 2002.

City of Wichita cost for the completion of Phase I will be \$13,482 and will be paid utilizing the Redevelopment Incentives Area Market Study Grant Program. The Market Study Grant Program was established in 2000 and is funded by Economic Development local tax funds.

Motion --
-- carried

Knight moved that the consulting Agreement with ICF and the allocation of funds from the Marketing Study Grant Program be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item 26b)
ADOPT-A-PARK

ADOPT-A-PARK – PARK DEPARTMENT.

Agenda Report No. 01-1345.

In an effort to build partnerships with citizens and leverage tax dollars, many communities have developed "Adopt-A-Park" agreements whereby local governments team with neighborhoods and other community groups to maintain public parks and green space. Such agreements promote community pride and ownership of park resources while helping limit the need for the community to allocate increasingly larger tax dollars for maintenance of these resources.

The Department of Park and Recreation has developed an Adopt-A-Park agreement/contract for use with neighborhoods and other community groups. The agreement generally calls for the neighborhood or community group to provide landscape maintenance, including maintenance of turf, shrubs, and trees, as well as litter pickup. The agreement is for a designated period of time (generally one to several years) agreed upon between the Department of Park and Recreation and the adopting group. The agreement may be custom-tailored to meet the needs of the group and the City.

Council Member Fearey

Council Member Fearey said this is a good project; however, she would like to have the Item deferred two months to allow District Advisory Boards to review.

Motion -- carried

Fearey moved that this Item be deferred two months. Motion carried 7 to 0.

PROFESSIONAL SER. PROFESSIONAL SERVICES – FOULSTON & SIEFKIN – REINSCHMIEDT.

Agenda Report No. 01-1346.

The City has retained the law firm of Foulston & Siefkin to provide legal services in connection with the class action litigation filed in Reinschmiedt v. City of Wichita. This case challenges the

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constitutionality of certain practices used by the municipal court judges to collect unpaid fines and court costs.

The original contract was approved on February 1, 2000. It has become necessary to spend additional sums to continue the representation of the City in this matter. This will be the fifth amendment to the original contract.

The additional sum covered by this Amendment provides for an amount not to exceed fifty thousand dollars as necessary to continue the legal representation. The charges are reasonable in amount for the legal services involved. The legal services are funded from the General Liability-Tort Management Fund.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HEALTH

CONSULTANT RETAINER AND GRANT WRITING SERVICES - HEALTH.

Agenda Report No. 01-1347.

The Health Department has a contractual agreement with Aiko Allen for consultation and grant writing services involving the Integrated School Health Planning Grant through the Kansas Department of Health and Environment (KDHE). This maximum contract amount is not to exceed \$9,490. The Health Department is requesting a continuation of this existing contract for an additional \$7,000. The original contract with the continuation fund request totals \$16,490.

Several potential funding opportunities currently exist which the Health Department has requested the consultant perform grant writing services. One such opportunity is for a recent dental health expansion grant (ABCD Oral Health Grant). Retaining the services of an experienced, professional grant writer is a considerable savings of time and cost and provides the Department a person with Public Health experience at both the state and local level.

This agreement would be for consultation at the rate of \$300 per day not to exceed \$7,000. These funds would be paid from the State Formula Grant, which are unrestricted funds from the State of Kansas.

This contract has been approved by the Law Department, and was reviewed and approved unanimously at the October 11, 2001 Board of Health meeting.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KS. LEGAL SERVICES CONTRACT FOR PROFESSIONAL SERVICES - KANSAS LEGAL SERVICES, INC.

Agenda Report No. 01-1348.

Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocacy Program. Since 1995, private agencies provide many services to victims under the current advocacy program, with the City of Wichita contracting with an agency to assist victims in understanding and participating in the court proceedings. Kansas Legal Services, Inc. has been providing these services since 1999.

Kansas Legal Services, Inc. has agreed to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist victims. The cost to the City will be \$27,000 for the 2002 calendar year; there is no increase in the amount charged for these services over the 2001 term of the contract.

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Funds in the amount of \$27,000 have been included in the Department of Law's budget for the purpose of paying for the services during the term of the new contract.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VICTIM'S RIGHTS

EXTENSION AND MODIFICATION OF CONTRACT - VICTIM'S RIGHTS SERVICES - CORRECTIONAL COUNSELING OF KANSAS.

Agenda Report No. 01-1349.

Kansas law requires that municipalities provide notice to crime victims of certain court proceedings in conformity with the Victim's Bill of Rights contained in the Kansas Constitution and statutes. The City of Wichita has adopted Resolution No. R-93-327 to implement these notification requirements. Since 1996, the services to implement this resolution have been provided to the City of Wichita through a contract with Correctional Counseling of Kansas; the contract is set to expire on December 31, 2001.

Correctional Counseling of Kansas has agreed to continue for an additional year the services it provides. There is no increase, over the amount charged for these services in 2001.

Funds for the contract amount are included in the Department of Law's budget for the purpose of paying for the services during the term of the new contract.

Motion --
-- carried

Knight moved that the Agreement/Contract and necessary budget adjustments or fund transfers be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PIPELINE REPAIR

48" RAW WATER PIPELINE REPAIR – INSPECTION SERVICES.

Agenda Report No. 01-1350.

On May 22, 2001, the City Council approved a project to rehabilitate the 48" Raw Water Pipeline that transports untreated water from the Equus bed wells to the water treatment plant. MKEC was selected to perform design services for the project.

The project calls for the sliplining of the existing 48-inch cast iron pipe. The plans for the project have been completed and the project is under contract for construction. Construction began in November of 2001. It is recommended that MKEC provide inspection services for the project. As the designers of the project, MKEC is uniquely qualified to inspect the installation of the rehabilitation project.

Repairs to 48" Raw Water Pipeline (CIP W-806) has a budget of \$3.7 million. The Contract for inspection services is \$258,820 and will be paid from the project funding.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TELECOMMUN.

TELECOMMUNICATIONS COUNSELING SERVICES – AIRPORT.

Agenda Report No. 01-1351

The Airport's telephone system is over 15 years old and is no longer supported by the manufacturer. Reliability and reparability are key to the success of any telephone system, but are especially important at the Airport because the Airport's tenants rely upon the system. Shared tenant service was advantageous during the 1980's, when long distance rates were high. Now that any customer can obtain low rates, shared service should be reexamined. The hardware and software at the Airport is the same as that used by the City before system replacement in 1998.

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When the City upgraded telephone systems in 1998, Herbst & Associates was competitively selected to assist with system selection and implementation. Herbst has knowledge of the City's telephone systems and provided an excellent level of service during the system replacement. Herbst has also consulted at other Airports, including Dallas/Fort Worth International, Bush International (Houston), and Miami International.

Herbst & Associates has agreed to provide a needs assessment, evaluation, and recommendations for the Airport's telephone system for a not-to-exceed cost of \$20,000. Funds are available in the Airport's 2001 Revised budget.

The City's Purchasing Policy (City Code Chapter 2.64.020(g)) allows the awarding of contracts without bidding when purchasing High Technology Items. Based on past favorable experience with Herbst, and the firm's knowledge of City telephone systems, staff recommends the City enter into a contractual agreement with Herbst for an amount not-to-exceed \$20,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CHENEY

MOU – COST-SHARE AGREEMENT FOR CHENEY RESERVOIR WATERSHED.

Agenda Report No 01-1352.

Cheney Reservoir is a major source of water currently providing approximately 60% of Wichita's annual water supply. On August 24, 1993, City Council authorized Staff to assist in submitting a grant request to the U.S. Environmental Protection Agency (EPA) for a watershed improvement grant. As part of the grant, City Council authorized the City to share costs associated with implementing "best management practices" in the watershed.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion which can reduce the life of the reservoir and high phosphates levels can lead to an increase in microscopic plant activity, thus increasing taste and odor problems in water from the lake.

The Reno County Conservation District has funds available from the Water Resources Cost Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance implementation of conservation practices in the watershed. Under the two programs (WRCS and NPS), the producer can implement "best management practices" that will reduce pollution from the land and apply for reimbursement up to 70% of the cost of the improvements.

The intention of the MOU is to facilitate a means whereby the producer can receive 100% reimbursement by having the City of Wichita provide up to 30% cost-share for improvements. Producers will not be eligible for any costs that exceed the county average cost for those improvements. Administration of the funds will be through the Cheney Watershed Citizens Management Committee. The agreement helps facilitate the creation of partnerships between the producers in the watershed and the City to reduce pollution entering Cheney Reservoir. All counties in the watershed, Stafford, Pratt, and Kingman, have agreed to participate. Projects completed in these three counties will be submitted to the City through the Reno County Conservation District.

Alternatives the City could pursue in reducing or eliminating pollution in Cheney Reservoir are:

1) Participate in the program. The WRCS and NPS programs would provide 70% of the funds used to correct pollution problems in the basin, with the remaining 30% coming from the City.

2) Wait until the pollution problems are more severe. The City would stand the risk of not having any other funding sources for the cleanup of the drainage basin. Furthermore, customer dissatisfaction with taste and odor, or the cost of treating cleanup, would have a detrimental impact.

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3) Forego any efforts to work in the basin and only respond to the water quality in the reservoir. Using methods as granular activated carbon, ozone, or other such methods, poor water quality could be treated in the reservoir. The cost could be as high as \$800,000 per year to remove the materials in the water, but would not remove the sediment entering the reservoir. Removing sediment once it is there, and thus extend the life of the reservoir, would require the sediment to be dredged which is a costly and environmentally destructive process.

The maximum WRCS cost-share to a single producer in Reno County in a fiscal year is limited to a total of \$6,000, and \$10,000 for the NPS Program. Calculation is based on the county average cost, or actual cost, whichever is less. In Reno County the amount of WRCS funds available in fiscal year 2002 is \$103,614, while NPS has funds available in 2002 of \$49,525.

In Stafford County the amount of WRCS available to a single producer is limited to \$3,500 and the NPS Program is limited to \$10,000 in fiscal year 2002. The total amount of WRCS available in Stafford County is \$50,293 for FY 2002 and \$24,033 for NPS.

In Pratt County the amount of WRCS available to a single producer is limited to \$6,000 and the NPS Program is limited to \$2,200 in fiscal year 2002. The total amount of WRCS available in Pratt County is \$50,417 for FY 2002 and \$23,954 for NPS.

Kingman County has WRCS funds available to a single producer of \$2,500 and the NPS Program is limited to \$3,000 in fiscal year 2002. The total amount of WRCS available in Kingman County is \$26,689 for FY 2002 and \$32,147 for NPS.

WRCS and NPS are part of a total program in the watershed that started in fiscal year 1995. Other sources of funding include the EPA, the State Water Plan, the USDA, as well as the City of Wichita. This has diversified the cost of the cleanup projects among numerous sources. Costs to the City shall not exceed \$99,006 for WRCS and \$55,569 for NPS in fiscal year 2002 for a combined total of \$154,575 in fiscal year 2002. The City has allocated \$300,000 in 2000 and 2001; \$200,000 for 2002, 2003, and 2004 for this effort in CIP W-500, Cheney Watershed Protection Plan.

Motion --
-- carried

Knight moved that the Memorandum of Understanding be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT – RIDGE PORT NORTH AND NORTH THIRD ADDITIONS, EAST OF RIDGE ROAD, NORTH OF 29TH NORTH. (District IV)

Agenda Report No. 01-1353.

The City Council approved the project on October 24, 2000. On January 9, 2001, the City approved an Agreement with Baughman Company to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Ridge Port North & Ridge Port North 3rd Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$19,900 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONNECTING LINK

CONNECTING LINK AGREEMENT FOR STATE AND FEDERAL HIGHWAYS.

Agenda Report No. 01-1354.

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Sections of Federal and State highways within the City limits of Wichita are designated as Connecting Links by the Kansas Secretary of Transportation. These Connecting Links include the Interstate Routes (I-135, I-235 and I-35), Federal Highways (US 54, US 81 and US 400), and State Highways (K-2/42, K-15, K-96 and K-254).

Kansas Statutes provide that the Secretary of Transportation shall be responsible for maintenance of all fully access controlled (freeway) Connecting Links. The statutes also authorize the Secretary to enter into Agreements with cities for the maintenance of other Connecting Links. If the Secretary does not maintain the Connecting Link, the City shall be reimbursed \$3,000 per lane mile for all Connecting Link mileage within the City limits.

Because of the recent completion of improvements to Kellogg from I-135 to the west right-of-way line of Edgemoor, which now provides for full access control for this section of US 54 and US 400, the Kansas Department of Transportation (KDOT) will assume the maintenance responsibility for this roadway. The total mileage that the City is responsible for maintaining will be reduced from 60.548 to 41.856 lane miles.

The Connecting Links that the City will continue to maintain include:

- Kellogg (US 54/400) – 119th St. W. to Mid-Continent Interchange, & Edgemoor to east City limits
- Broadway/47th St. S. (US 81) – 55th St. S. to 47th St. S., then east to I-135
- Southwest Boulevard (K2/42) – Hoover Road to US 54
- Southeast Boulevard (K-15) – Kansas Turnpike to I-135

The City is reimbursed for maintenance expenditures at the rate of \$3,000 per lane mile, which is an increase of \$1,000 per lane mile from the existing Agreement. While number of lane miles will decrease, reimbursement will increase. Total reimbursement to the City will increase from \$121,096 to \$125,568.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

PUMP STATION

WEBB ROAD PUMP STATION IMPROVEMENTS. (District II)

Agenda Report No. 01-1355.

The City has a contract with TEC Information Services to design and implement a project to automate the operation of the City's water pump stations. During their research, TEC found that the piping and valves used to fill the 10-million gallon reservoir at the Webb Road Pump Station are inefficient and have deteriorated. On September 11, 2001, City Council approved the project as design/build and authorized Staff to request proposals for modifications to the reservoir fill piping.

A Request for Proposal (RFP) was sent to solicit partnerships with qualifications to perform a design/build project. Responses were received from three partnerships. On the basis of the proposals, the Technical Review Selection Committee voted unanimously on November 2, 2001, to select the partnership of Wilson & Co./Wildcat Construction to provide the engineering and construction services. Services to be provided will include both engineering design and the construction needed to improve the Webb Road Pump Station fill piping.

The cost of the design and construction will not exceed \$250,000. Funding for this project is available in CIP W-882, Webb Road Satellite Pump Station.

The Law Department has approved the Contract as to form. City Council authorization is required for projects in excess of \$10,000.

Motion --
-- carried

Knight moved that the design/build Contract with Wilson & Co./Wildcat Construction, Inc. to modify reservoir fill piping be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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(Addendum Item 26N)
COMCARE

CONTRACT - COMPREHENSIVE COMMUNITY CARE OF SEDGWICK COUNTY.

Agenda Report No. 01-1422.

On February 1, 1996, the City entered into an initial contract to provide drug and alcohol treatment services for the City of Wichita Drug Court Diversion Program. In 2001, a Request for Proposal (RFP) was initiated prior to the expiration of the current contract. A screening panel convened to review the two proposals submitted in response to the City's RFP. The panel recommended that the contract be awarded to Comprehensive Community Care of Sedgwick County.

The evaluation and treatment services provided under the agreement will consist of drug and alcohol evaluation, individual and group therapy, drug and alcohol testing, and reporting to the municipal court judge. Successful completion of treatment by defendants is a condition of participation in the drug court's programs.

Funds are allocated in the 2002 Municipal Court budget in the amount of \$70,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR EQUESTRIAN ESTATES – EAST OF 127TH STREET EAST, SOUTH OF HARRY. (District II)

Agenda Report No. 01-1356.

The City Council approved the project on September 11, 2001.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Equestrian Estates. Per Administrative Regulation 7a, staff recommends the selection of Poe because Poe provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$133,120, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR EQUESTRIAN ESTATES – EAST OF 127TH STREET EAST, SOUTH OF HARRY. (District II)

Agenda Report No. 01-1356a.

The City Council approved the project on November 20, 2001.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Equestrian Estates. Per Administrative Regulation 7a, staff recommends the selection of Poe because Poe provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$19,050, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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DESIGN SERVICES SUPPLEMENTAL AGREEMENT FOR ROCK ROAD FROM 21ST TO K-96. (Districts I and II)

Agenda Report No. 01-1357.

On August 31, 1999, the City entered into an Agreement with HWS Consulting Group, Inc. to design improvements to Road Rock from 21st to K-96. The fee was \$179,801.60.

The proposed Supplemental Agreement between the City and HWS provides for revisions made to the Scope of Services.

Payment to HWS for the Supplemental Agreement will be made on a cost plus percentage of cost basis not to exceed \$83,662.00. The funding source is General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR THE LEGACY ADDITION – WEST OF MERIDIAN AT 4FOURTH STREET SOUTH. (District IV)

Agenda Report No. 01-1358.

The City Council approved the project on November 20, 2001.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Legacy Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$43,160, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

TRAFFIC SIGNALS CHANGE ORDER: TRAFFIC SIGNALS AT ZELTA AND KELLOGG. (District II)

Agenda Report No. 01-1359.

On April 3, 2001, the City Council approved a construction contract to install traffic signals at Zelta and Kellogg and build a major entrance at Ellson to serve a new shopping complex, south of Kellogg, east of Greenwich. The developer has requested that brick pavers be installed in the surface of the median at Ellson.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$11,820. The funding source is special assessments.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

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RELOCATE UTIL. RELOCATION OF UTILITIES ALONG WEBB ROAD, SOUTH OF 21ST STREET NORTH. (District II)

Agenda Report No. 01-1360.

On May 16, 2000, the City Council approved the Legacy Park Wilson Estates Addition plat and corresponding documents. Resolution R-00-225 authorized improving decel and left turn lanes in Webb Road from a point 80' north of the south Lot line of Lot 3, Block 1 to a point 300' south of Wilson Estates Parkway, Project No. 472-83232 (south of 21st Street, west of Webb). Several utilities needed to be relocated as a part of this project. On July 11, 2000, the City Council approved a Contract authorizing payment to Williams Gas Pipeline for relocation costs in conjunction with Legacy Park Wilson Estates Addition. The estimated cost to relocate the line was \$80,800.

An invoice has been submitted by Williams for this work. The actual cost to lower the gas pipeline is \$111,117.78.

Funds are available in the project to provide for the actual utility relocation cost. The funding source is special assessments, which will be levied against Lot 4, Block 1 and Lot 1, Block 2 Legacy Park Wilson Estates Addition.

Motion -- carried Knight moved that the payment be approved. Motion carried 7 to 0.

KDOT DESIGN OF BIKEPATH ALONG THE LITTLE ARKANSAS RIVER FROM 12TH STREET TO 21ST STREET AT AMIDON. (District VI)

Agenda Report No. 01-1361.

The City of Wichita and the Kansas Department of Transportation (KDOT) have an ongoing partnership to construct bikepaths. The construction is funded on a 30% City/70% KDOT basis. The City is responsible for funding the design cost.

KDOT has agreed to participate in funding a bikepath along the west bank of the Little Arkansas River from 13th to 18th, then along the east bank to 21st, then along 21st to Amidon.

The estimated design cost is \$50,000. The construction budget is being programmed in the next Capital Improvement Program. The funding source for the design cost is General Obligation Bonds.

Motion -- Knight moved that the design project be approved and the Resolution be adopted. Motion carried
-- carried 7 to 0.

RESOLUTION NO. 01-496

A Resolution finding it necessary to make certain improvements to construct a bike path along the Little Arkansas River from 13th Street North to the intersection of 21st Street North at Amidon, Project Number 472-83436, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WHEELCHAIR RAMP 2002 WHEELCHAIR RAMP PROGRAM.

Agenda Report No. 01-1362.

The Capital Improvement Program includes funding to install wheelchair ramps at various locations in the City. It is part of a 10-year effort to retrofit the entire City as required by the Americans with Disabilities Act of 1990.

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The wheelchair ramps are being installed on a priority basis with emphasis at schools, institutions, and other high traffic locations.

The project budget is \$400,000. The funding source is General Obligation Bonds.

Motion -- carried

Knight moved that the project be approved and the Resolution be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-497

A Resolution finding it necessary to make certain improvements to construct wheelchair ramps at various locations (Phase I, 2002, arterial sidewalk and wheelchair ramp program), Project Number 472-83437 and authorizing the issuance of Bonds by the City of Wichita at large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LIBRARY DATABASE DATABASE CONVERSION – LIBRARY.

Agenda Report No. 01-1363.

Library has used optical character recognition (OCR) technology since automating in 1977. OCR readers were last replaced in 1992. Readers are used for data entry of customer and item identification numbers to help maintain an accurate inventory, checkout materials and public computer workstations. More than 4,000,000 scans per year are completed by library staff using this equipment. Although once a standard technology, OCR is now outdated in terms of use and support. OCR equipment is difficult to use and expensive to replace. Repairs to OCR readers have become cost-prohibitive and availability of repair is scarce. Use of OCR technology requires custom support from the library's database provider and prohibits the library's ability to take advantage of technologies that would enhance efficiency and customer service.

Use of OCR technology has become a detriment to customer service and a drain on financial resources. Continued use of OCR requires special considerations every time updates to the library's automation system are released. The readers are not ergonomically designed and are incompatible with next generation library automation products. Library staff have been preparing for a migration from OCR to barcode technology by replacing materials labels and customer library cards with newer labels and cards that include barcodes as well as OCR numbers. This replacement project is now more than 90% complete, allowing the library to convert the database and replace OCR readers with barcode scanners. The remaining cards and items will continue to be relabeled as items are used or customers make their next library visits. The IT/IS Advisory Board has reviewed the project proposal and recommends implementation.

Funds to replace OCR readers with barcode scanners exist in the 2001 general fund budget. A requisition for purchase of this equipment has been submitted to the Purchasing Section. epixtech, inc. predicts that 150 staff hours, billable at \$200 per hour (\$30,000 total) will be required to complete the data conversion. \$2,140 of this amount is included in the Library's 2001 budget, but in a commodity account (3804) rather than a contractual line (2599). An additional \$15,000 of the cost can be funded by contract credit received by the Library from epixtech as reimbursement for universal service discounts and under-utilized hardware maintenance. The remaining cost, \$12,860, will be funded from the Library's South Central Kansas Library System Grant. This, too, will require a budget adjustment to move funds from commodities to contractals.

Because the database contains proprietary programming, a sole source agreement for this work will be required as allowed by purchasing guidelines.

Motion --
-- carried

Knight moved that the budget adjustments be approved and the Purchasing Manager be authorized to initiate the order for the database conversion. Motion carried 7 to 0.

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COMPUTER

BANNER CUSTOMER SERVICE INFORMATION SOFTWARE – WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-1364.

In October 2001, the City Council approved an expenditure to upgrade the server hardware and application software for the Customer Service Information System. Current rates of data growth and system demand require that the hardware be upgraded to meet increasing requests from multiple city departments. Per the vendor, SCT Utility Systems, the software must be upgraded to the new version no later than May 2002. IT/IS and the staff of the Water & Sewer Department believe that a consultant will facilitate a much smoother transition of installation of the new software. Historically the vendor, SCT Utility Systems, has been extremely slow in producing desired results. To date SCT has not completed original requirements for the software to operate effectively.

Estimates for the consultant are \$75,600.

The project (W-590) has \$100,000 budgeted for 2001. \$186,000 will be transferred from W-819. That project is complete and came in under budget.

Water & Sewer and IT/IS are working with City of Wichita Legal Department to draft a contract with consultant covering the requirements and outcomes relating to the upgrade.

Motion -- carried

Knight moved that the project expenditures be approved. Motion carried 7 to 0.

SEWER METERS

AUTOMATION OF SEWER METERS.

Agenda Report No. 01-1365

Special Sewer billing consists of customers with private sewer meters that register the amount of sewage passing into the sanitary sewer system. These customers are usually industrial customers who use their water to produce a product or have water cooling and or heating systems. Much of their water use does not enter back into the sanitary sewer system. Therefore they request a break on their sewer bill. The water & sewer department calculates the sewer charges on the amount of sewage passing through their meter. These special sewer billings produced revenues of about \$2.5 million in 2000.

These industries have private sewer meters. Once a month they report the readings from their meters to Water & Sewer staff. Staff then converts these readings into cubic feet and hand calculates the charges. Those charges are manually entered into the billing system, and bills are mailed to the customers. This is a time consuming and costly process. Staff often has to call customers for the readings. Some customers fail to turn in readings for months. These failures require hand-calculated adjustments. The customer reaps the benefit of a reduced sewer billing, while the Water and Sewer Department incurs additional administrative costs.

The department proposes installing meters and related remote access reading equipment that will allow staff to directly obtain the readings in the desired format. The Customer Service personnel would be able to gather these readings on a monthly basis in the same way they currently gather water meter readings. Those readings would be automatically uploaded to the billing system, resulting in automated calculation of the billings.

Estimates for the upgrade are:

- Ø \$66,000 for transducers.
- Ø \$6,650 for installation of transducers.
- Ø \$3,990 for calibration of transducers to assure proper readings and equipment functionality.
- Ø \$3,000 for ERT units for automated reading.
- Ø \$2,100 for Read One Programmer.

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Total Cost of the project would be \$81,740. Of that total \$72,650 (the transducers and their installation) would be reimbursed by the customer.

The budget for the proposed project (S-590) will be \$100,000. These funds can be transferred from S-500, Biosolids Treatment and Management Program. Therefore, the total CIP budget will not increase.

Modifications to the CIP must be approved by the City Council.

Motion --
-- carried

Knight moved that project and the expenditures be approved; the CIP to create this project with existing funds be modified; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-498

A Resolution declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$100,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DRINKING WATER

EPA DRINKING WATER STANDARDS UPDATE.

Agenda Report No. 01-1366.

The Environmental Protection Agency (EPA) announced on October 31, 2001, that the arsenic standard (Maximum Contaminant Level, or MCL) in drinking water will be 10 parts per billion (ppb) which is a significant reduction from the previous 50 ppb. The new standard must be met by January 2006.

The City's raw water supply is obtained primarily from Cheney Reservoir and the Equus Beds Well Field. This year, the City's raw water supply from Cheney averaged 2 ppb with a maximum of 4 ppb through October. Well sampling in 2000 revealed that eight (8) of the fifty-five (55) Equus Beds wells had arsenic levels higher than the new standard. Five of the wells had concentrations between 10 and 13 ppb and three wells had concentrations between 13 and 16 ppb. The water from the wells with high arsenic levels is blended with water from wells with low arsenic levels, thus lowering arsenic concentrations in the raw water. The raw water supply from the Equus Beds Well Field averaged 4 ppb with a maximum of 10 ppb through October.

Raw water from Cheney and the Equus Beds Well Field is combined before it is received at the treatment plant and has arsenic levels below the new MCL. Treatment processes then remove most of the arsenic from the City's drinking water. The maximum concentration tested in the City's drinking water thus far in 2001 is 1 ppb, far below the new MCL of 10 ppb.

The City is in an excellent position to meet the new standards for finished water; however, the new regulations may impact the effort to recharge the Equus Beds aquifer which is part of the City's future water supply. A key component of the project envisions using water obtained from wells which are to be located adjacent to the Little Arkansas River. Preliminary tests have found arsenic levels in excess of the new standard in some areas where the wells are planned. Project costs will increase if the City is required to remove arsenic in the water obtained from the wells prior to using it to recharge the aquifer. Preliminary estimates are that it could run as high as \$7 million, increasing to \$15 million when additional operational and maintenance costs are included. Staff will recommend additional research on the issue so that appropriate steps can be taken to reduce costs of meeting the new standard while meeting future water supply needs.

There are no financial considerations at this time.

Motion -- carried

Knight moved that report be received and filed. Motion carried 7 to 0.

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AREA NETWORK

WIDE AREA NETWORK.

Agenda Report No. 01-1367.

The Wide Area Network (WAN) connects desktop personal computers (PCs) and printers in outlying locations to the servers located in City Hall. These servers operate the City's computer systems and extend their services to the outlying City sites. E-mail, Park recreation program registrations, Fire incident reporting and equipment maintenance, and financial document processing are some of the services that can be made available through the WAN. Currently, the WAN serves only a few of the City's outlying locations.

A Request for Proposal (RFP) for WAN implementation and support was mailed to vendors. Five vendors responded to the RFP. A staff committee reviewed the proposals and interviewed two vendors, basing selection on experience and price. Choice Solutions is the recommended vendor to provide these services. Choice Solutions has presented a plan and costs for installation of servers, software licenses, and administrative training; with completion of the project anticipated in February 2002.

The WAN project was approved by City Council on 10/16/01 with a total expenditure of \$237,000. The contract is part of the total project, with the amount not to exceed \$66,220.

Agreements which exceed \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the selection of Choice Solutions be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENTS

VILLA DEL MAR LANDSCAPE REPAIR.

Agenda Report No. 01-1368.

On July 10, 2001, a water main break flooded claimant's property.

The City has determined that a resolution of this matter is appropriate. The City has been offered an opportunity to resolve the claim with a lump sum payment of \$12,737.79 as full settlement of the claim.

Funding for this settlement payment is from the Water Department.

The Law Department has reviewed the claim and finds the amount reasonable for the amount of damage reported.

Motion --
-- carried

Knight moved that the payment of \$12,737.79 as a full settlement of the claim be approved. Motion carried 7 to 0.

SIM PARK GOLF

SIM PARK GOLF COURSE.

Agenda Report No. 01-1369.

The claimant's husband was killed while playing golf at Sim Park golf course on February 25, 2000. He was driving in a golf cart and was struck by a large tree which fell suddenly.

The City had marked the tree for removal as a nuisance in November of 1999. City personnel did not observe any signs that the tree was decayed or a danger to fall. The tree was not removed in what would have been the normal course of events because of a severe ice storm that struck Wichita in early December. For public safety purposes, Public Works and Park Department personnel spent 6-8 weeks doing nothing but clean-up work along streets and rights-of-way. The claimant has offered to settle her claims against the City for the sum of \$40,000. It is likely that if the matter goes to trial a jury would award the claimant an amount greater than the proposed settlement.

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Funding for this payment is from the City's tort claims fund.

Motion --
-- carried

Knight moved that the payment of \$40,000 as a full settlement of the claim be approved. Motion carried 7 to 0.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 01-1370.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. The list of weapons being destroyed includes a total of 119 handguns and 56 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF LAND BETWEEN ROCK ROAD AND GREENWICH ROAD ON 53RD STREET NORTH - ELEVATED WATER STORAGE FACILITY PROJECT. (District II)

Agenda Report No. 01-1371.

On March 6, 2001, the City Council approved the construction of elevated water storage facilities in the northeast and northwest portions of the water system. The proposed facility will provide additional volume and stabilized pressure to the area. A consultant has recommended a facility in the area of 53rd Street North between Webb Road and Rock Road. A 400-foot by 400-foot tract at the mid-section line between Webb Road and Rock Road has been identified. The tract is owned by the Melba T. Kohl Living Trust.

The site is at the highest point in the area, thus minimizing structure height and maximizing efficiency. It is also within one-half mile of existing water lines, minimizing the amount of new line needed to connect the tower to the rest of the supply system. Due to proximity to Jabara Airport, FAA approval is required and has been received. The owner has agreed to sell for a negotiated amount of \$75,000. The site is currently agricultural land and available for immediate development.

Funds have been budgeted in the Capital Improvement Program (CIP W-811) for this project. The funding source will be Water Utility revenues and reserves. A budget of \$76,000 is requested. This includes \$75,000 for the acquisition and \$1,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF WATER EASEMENT AT 9226 WEST 29TH STREET NORTH. (District V)

Agenda Report No. 01-1372.

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires an easement on a tract of land located at 9226 West 29th Street North and

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owned by Ricky D. and Darlene D. Barton. The easement will be used for the installation of a 24-inch water line.

The easement contains approximately .287 acres and will not affect any improvements on the remaining property. A negotiated settlement of \$3,200 has been accepted by the property owners.

A budget of \$5,200 is requested. This includes \$3,200 for the acquisition, and \$2,000 for title insurance and miscellaneous closing costs. The funding source will be Water Utility revenues and reserves.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF WATER EASEMENT AT 3100 NORTH MAIZE ROAD. (District V)

Agenda Report No. 01-1373.

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires an easement on a tract of land located at 3100 North Maize and owned by Leo and Vivian Rink. The easement will be used for the installation of a 24-inch water line.

The easement contains approximately .861 acres and will not affect any improvements on the remaining property. A negotiated settlement of \$10,000 has been accepted by the property owners.

A budget of \$12,000 is requested. This includes \$10,000 for the acquisition, and \$2,000 for title insurance and miscellaneous closing costs. The funding source will be Water Utility revenues and reserves.

Motion --
-- carried

Knight moved that the budget and the Easement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY – ADJACENT TO EMANUEL CEMETERY. (District I):

Agenda Report No. 01-1374.

The City owns Highland Cemetery at the northwest corner of Hillside and 9th Street. Emanuel Cemetery lies along 9th Street and is surrounding on three sides by Highland Cemetery. The portion of Highland Cemetery west of Emanuel Cemetery is 58 feet wide. In the past, this tract was a secondary access point for the cemeteries. This access was closed many years ago and has remained unused. Emanuel Cemetery would like to acquire the tract, which contains approximately 6,844 square feet and incorporate it into their existing ownership.

Emanuel has offered \$1,500 (\$.22 per square foot for the tract). This approximates what similar sized residential lots sell for in the area.

The City will receive cash consideration from the sale of the property. Upon sale, the City will be relieved of maintenance responsibilities for the tract.

Motion --
-- carried

Knight moved that the sale and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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BUDGET

TRANSFER OF FUNDS WITHIN THE WATER UTILITY.

Agenda Report No. 01-1375.

The Water & Sewer Department sets its annual budget anticipating a mildly warmer than average year. However, 2001 has been much hotter and drier than average, and the demand for water has been higher than anticipated. The volume of water sold through November 2001 is 20.3 billion gallons, 15 percent more than the annual average of the past decade. Several water pumpage records were set this summer, including the most water sold in one month and the most days with water pumpage in excess of 100 million gallons.

Revenues are also higher than anticipated in the budget. While the 2001 Revised budget anticipated \$33.3 million in water revenues, revenues through November totaled \$31.9 million, or 96 percent of budget. Year-end water utility revenues are expected to be \$33.4 million, \$2.5 million over expected expenditures of \$30.9 million.

The major costs that are higher than anticipated include:

1. Electricity and chemicals. The more water that is produced, the more electricity and chemicals are used. In addition, the unit cost of electricity was higher this year.
2. Paving cut permits. The hot weather caused more leaks, although the number was moderate given the water demand. Most leaks involve paving cut repairs. Therefore, the higher number of leaks resulted in higher than anticipated costs for paving cuts.
3. Contracted installation of water services. In an effort to be more responsive to customers, many services were installed by private contractors. Installation cost is higher when performed by a private contractor than when performed by City staff.
4. Equipment rental. To reduce the impact of equipment repair time on service delivery, equipment was often rented.
5. Kansas One-Call locate requests. The number of water leaks and the rate of new construction resulted in an increase in the number of Kansas One-Call locate tickets.

Staff has reduced all costs possible to meet the budget shortfalls. The Utility has suspended overtime unless emergency-based. The meter replacement program has been suspended until 2002. Service installations usually performed by outside contractors are being done in-house. Raising meter box lids to grade on overtime has been suspended.

The Utility has delayed capital purchases where possible until 2002, so that those funds can be used to meet the deficit. The Utility has suspended any spending in contractual and commodities that could wait until 2002. However, vendors must be paid for purchases already made and required till year end. This includes utility bills, equipment charges, and internal service charges.

Staff analysis shows that a reallocation of \$1,010,600 from debt service to contractals and commodities will provide sufficient budget authority to meet this need. The 2001 budget had anticipated issuing new revenue bonds in August 2001, and had included a payment on the new bonds. However, due to the low cost of funds, temporary notes will be issued instead.

City Council approval is required for budget transfers of \$10,000 or more.

Motion -- carried

Knight moved that the budget transfer of \$1,010,600 be approved. Motion carried 7 to 0.

BUDGET

BUDGET TRANSFER - RECOVERY OF OUTSTANDING DEBTS - MUNICIPAL COURT.

Agenda Report No. 01-1376.

For the past three years, the City has contracted with a collection agency for the recovery of outstanding debts from Municipal Court. Under the arrangement, the City pays a percentage of collections to the agency.

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The 2001 Municipal Court budget included \$228,000 to fund collection expenses, assuming a total of \$1.5 million in revenue would be collected. Current projections are that in 2001 there will be \$1.5 million collected by the City's contractor, resulting in contracted payments of \$352,860.

Increased contractual expenditures for collection services are offset by additional Court revenue. Presumably this revenue would not have been collected were it not for the efforts of the collection agency.

City Council action is necessary for transfers over \$10,000.

Motion --
-- carried

Knight moved that the transfer of \$125,000 from other Municipal Court Department under-expended account appropriates be approved. Motion carried 7 to 0.

BUDGET

STATIONARY STORES BUDGET ADJUSTMENT.

Agenda Report No. 01-1377.

On August 28, 2001, the City Council approved the selection of IKON as the vendor for new Copier/Network Printer/Fax/Scan Machines. This provided for the installation of 83 new copier/printer machines.

The migration to IKON equipment will soon replace a large number of networked and dedicated printers, ultimately lowering the City's cost per printed page. The 2001 budget will require a budget adjustment in the amount of \$62,000 due to:

- One-time installation expenses;
- Costs are higher during the transitional period because the installation of IKON equipment has preceded the systematic removal of network and dedicated printers;
- The timing differences in copier provider billing cycles will lead to 13 monthly bills being charged to the 2001 budget; and
- A shift in the allocation of paper stock costs from the print shop to the copier budgets.

The Stationary Stores Fund has adequate under expenditures in the Cost of Goods Sold account to fund the increased copier costs.

Council approval is required for budget adjustments exceeding \$10,000.

Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

BUDGET

INTERACTIVE VOICE RECOGNITION SYSTEM REPLACEMENT – OCI.

Agenda Report No. 01-1378.

The Office of Central Inspection (OCI) currently has an interactive voice recognition (IVR) system that allows contractors to request inspections, and check the status of permits and inspections over the phone. The system uses electronic menus (although customers can contact OCI staff), and is available 24 hours per day, 7 days per week. The system receives about 775 customer calls every business day. Without an IVR system, customer service would be significantly reduced, information availability would be reduced to 8 – 5 Monday through Friday, and several OCI staff would need to be reassigned to provide permit and inspection information.

The current IVR system is provided by a company called Vodavi, which was recently acquired by another company. The new company does not want to be in the IVR business, and has announced that system support will cease in May 2002. In order to maintain current service levels without increasing staff, the system must be replaced.

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Purchase and installation of the replacement IVR system is estimated to cost about \$75,000. Funds are available in the OCI contingency account. Since the transfer of ownership took place after the budget was developed, system replacement is not included in the budget. To replace the system prior to the 2002 Revised budget adoption in August 2002, funds must be reserved in a project account.

Budget transfers over \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 7 to 0.

EQUIPMENT

FIRE DEPARTMENT EQUIPMENT PURCHASES.

Agenda Report No. 01-1379.

The Fire Department currently utilizes 156 Self Contained Breathing Apparatus (SCBA) airpacks. The airpacks are used by fire suppression staff when entering hazardous environments. The current model of airpacks is by Interspirio (purchased between 1993 – 1998). In addition, fire suppression staff are equipped with PASS devices, which are designed to sound an alert if a firefighter becomes incapacitated while fighting a fire. SCBA's generally have a 15-year useful life. Fire repairs SCBA's annually, and also typically replaces 15 – 20 PASS devices each year (due to damage).

During 2000, National Fire Protection Association (NFPA) standards for PASS devices changed; they are now integrated into the airpack. Replacement parts or units for the current PASS devices are no longer manufactured. Staff researched available products and long-term financial implications. It will be considerably less expensive long term if all airpacks and PASS devices are replaced within the next two years.

To replace all current SCBA's and PASS devices, \$508,580 is required. On August 15, 2001, the Fire Department was awarded a grant of \$151,935 to fund SCBA replacements. With additional local funding of \$356,645, all SCBA's could be replaced at one time. Ultimately, replacing all SCBA's and PASS devices will facilitate training and will result in long-term savings, by reducing on-going maintenance costs and by utilizing the trade-in value of the current SCBA devices.

City Council action is necessary to make the transfer of funds.

Motion --
-- carried

Knight moved that the transfer of \$356,645 from the 2001 General Fund to a capital project account for purchase of new SCBA and PASS devices be approved. Motion carried 7 to 0.

INNER CITY

REDEVELOPMENT INCENTIVES POLICY – INNER CITY.

Agenda Report No. 01-1380.

The City Council previously approved a Redevelopment Incentives Plan designed to remove barriers to inner city redevelopment and provide standardized incentives to encourage such redevelopment.

The Redevelopment Incentives Plan included a proposal for the City Council to approve a redevelopment incentives policy so that a standardized list of incentives can be made available to prospective developers for inner city redevelopment. Staff has drafted a resolution that lists current city redevelopment incentives and State of Kansas incentives that the City could offer to support when necessary and appropriate. Where required, the redevelopment incentives have been previously approved by the City Council and no changes to existing City policies are requested. The inner city redevelopment incentives would be offered on a case-by-case basis for projects that can demonstrate:

- (a) Substantial employment increase will result from the improvements financed with Inner City Incentives provided pursuant to this policy.
- (b) Project will add significantly to the City's sales and property taxes.
- (c) Project will have an economic impact and serve to revitalize the center city area.

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- (d) Project will not create an unfair advantage to competitive retail business in the vicinity of the project.
- (e) Existing taxes will not be reduced or deleted from the tax rolls of the City.

The redevelopment incentives would be subject to existing City policies and rules for such incentives and require prior review by appropriate economic development officials and the City Manager.

The redevelopment incentives do not require any additional City funding.

Motion --
-- carried

Knight moved that the Inner City Redevelopment Incentives Policy be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-499

Inner City Redevelopment Incentives Policy: A policy for offering incentives that will facilitate private investment and encourage redevelopment of inner City areas in Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

INVEST. POLICY

REVISIONS TO INVESTMENT POLICY.

Agenda Report No. 01-1381.

State law, City ordinance and the City's Investment Policy govern the investment of City funds. The existing Investment Policy was approved by the City Council in October 1996. The State Pooled Money Investment Board granted expanded investment authority in 1995. Expanded investment authority allows the City to purchase Federal Agency Securities and extend investment maturities up to four years.

The volume of Pooled Fund investment transactions exceeds \$3 billion annually on an average portfolio of \$280 million.

The investment program of the City involves daily decisions on the investment of public funds to earn a rate of return until those funds are required for the appropriate purpose. As set out in the City's Investment Policy adopted by the City Council, the investment of City funds is conducted under the priority order guidelines of:

1. Safety of principal;
2. Liquidity to meet cash flow requirements; and
3. Rate of return to provide the highest earnings consistent with the higher priorities of safety and liquidity.

The following changes are incorporated in this proposed investment policy.

1. The current Investment Policy is being replaced by two documents:
 - a. The Pooled Funds Investment Policy sets out overall policy. Any changes to the policy require review and approval by the City Council.
 - b. The Pooled Funds Operating Guidelines may be revised and updated administratively.

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2. Investment Policies for funds managed outside of the City of Wichita Pool have been removed from the existing policy and separate investment policies and guidelines for each fund will be forthcoming to the City Council for review and approval. Funds currently exempted from the pool are:

- a. Group Life Insurance Reserve Funds
- b. Special Assessment Prepay Funds
- c. Cemetery Trust Funds
- d. Wichita Housing Authority Funds
- e. Retirement Trust Funds

3. The Pooled Funds Investment Policy contains a new section addressing External Investment Pools. In 1995 City Council withdrew its support of the State's Municipal Investment Pool (MIP) due to fiscal management issues. These issues have been addressed and the revised policy authorizes the City to establish an MIP account as an interim investment vehicle for overnight liquidity and state tax deposits.

No material changes in investment policies and procedures have been made in the updated documents. The changes are intended to separate out and clearly define policy parameters from operational detail. The investment policy will also be provided to outside groups and will be posted on the City's web site.

Investment income is a revenue source to many funds in the City budget. Earnings from the Pooled Funds Investments are allocated monthly to the separate funds participating in the pool based on each fund's proportionate average daily balance in the pool. Total annual interest earnings for 2001 are approximately \$15.5 million.

All City investment policies and practices are in conformance with State law and City ordinance governing investment transactions and reporting.

Motion --
-- carried

Knight moved that the revised City of Wichita Pooled Investment Policy and City of Wichita Pooled Investment Operating Guidelines be approved and filed. Motion carried 7 to 0.

GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 205); GENERAL OBLIGATION BOND SALE (SERIES 768 AND 769); AND GENERAL OBLIGATION SALES TAX BOND SALE (SERIES 2002).

Agenda Report No. 01-1382.

The City is planning to offer for sale one series of general obligation temporary notes totaling \$53,355,000, two series of general obligation bonds estimated not to exceed \$16,060,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and one series of general obligation sales tax bonds in the amount of \$46,000,000 to provide financing for freeway capital improvements. The public sale of the aforementioned bonds and notes is scheduled for 10:30 a.m. on January 15, 2002, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates will result in the lowest overall cost to the City.

The City's Winter 2002 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 205 Temporary Improvement and Renewal Notes will be used to provide interim finance for various City-at-large and improvement district projects:

<u>Series 205</u>	
<u>Project Category</u>	<u>Total</u>
Arterial Paving	\$ 1,162,000
Bridges	59,000
Public Improvements	2,085,000

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Park Improvements	567,500
Neighborhood Improvements - Water	3,439,000
Neighborhood Improvements – Sewers	3,642,000
Neighborhood Improvements - Storm Sewer	2,924,000
Neighborhood Improvements - Paving	13,126,500
Golf Course Improvements	645,000
Gilbert/Mosley Groundwater Improvements	6,000,000
Sewer Utility Improvements	<u>19,705,000</u>
TOTAL SERIES 205 NOTES	\$53,355,000

“Special Assessment Bonds”

The proceeds from the sale of Series 768 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 768 Bonds. The Special Assessment Bonds will be issued in an amount not to exceed \$6,390,000.

“City-At-Large Bonds”

The proceeds from the sale of Series 769 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, bridges, public improvements and buildings, park improvements, and neighborhood paving projects, sanitary sewer, storm sewer, sewer utility improvements and golf course improvements. City-at-large Bonds will be issued in the total par amount of \$9,670,000.

“Sales Tax Bonds”

The proceeds from the sale of the Series 2002 Sales Tax Bonds will be used to permanently finance certain City-at-large freeway improvement projects, including the Kellogg/Woodlawn and Kellogg/Rock Road Interchanges. A feasibility study was performed to ensure that the debt ratio coverage was sufficient to cover additional debt with one-half of the City’s one-cent local option sales tax revenue currently in place. The Series 2002 Sales Tax Bonds will be issued in the par amount of \$46,000,000.

Beginning in 2001, the sale of bonds and notes are awarded based on the bid with the lowest true interest cost, or “TIC”. Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 205 Temporary Notes will mature on August 22, 2002 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

Series 768 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 768 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The special assessment bonds will be callable in 2009 with a 1% call premium.

Series 769 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from city-wide ad valorem tax revenues. The City-at-large bonds will be callable in 2007 with a 1% call premium.

The Series 2002 Sales Tax Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The debt service will be paid from the portion of the City’s one-cent local option sales tax that is dedicated by law to paying the costs of street and road improvements. The Series 2002 Sales Tax Bonds will be callable in 2009 with a 1% call premium.

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The Law Department has approved the Resolution authorizing the sale of the series of temporary notes and the series of bonds, the Preliminary Official Statement and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Council as required by law).

Motion -- Knight moved that the Resolutions authorizing general obligation bond and note sales be adopted; submittal of the Preliminary Official Statement upon completion be approved; and publication of the Notices of Sale be authorized. Motion carried 7 to 0.
-- carried

Motion -- Knight moved that the Resolution authorizing the sale January 15, 2002, 10:30 a.m., be authorized. Motion carried 7 to 0. Motion carried 7 to 0.
-- carried

RESOLUTION NO. R-01-490

A Resolution of the City of Wichita, Kansas, authorizing and providing for the Public Sale of General Obligation Renewal and Improvement Temporary Notes Series 205, General Obligation Bonds, Series 768 and 769, and General Obligation Sales Tax Bonds, Series 2002, of the City; and providing for the giving of notice of the public sale, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (12-11-2001)

STREET LIGHTING STREET LIGHTING RESOLUTION #3-01.

RESOLUTION NO. 01-500

A Resolution authorized and directing Kansas Gas and Electric, a Western Resources Company, to install and/or change certain streetlights in the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STORM WATER STORM WATER RATE RESOLUTION.

Agenda Report No.01-1384.

On February 23, 1993, the City Council approved Resolution No. R-93-046 establishing the Storm Water Utility rate at \$1.66/ERU.

On July 11, 1995, the City Council approved a reduction in the Storm Water Utility fee from \$1.66/ERU to \$1.21 per ERU. On November 21, 1995, the City Council approved Resolution No. R-95-534 implementing the fee reduction.

On August 10, 1999, the City Council approved the ERU rate increase of \$0.06 (\$1.27/ERU). On December 7, 1999, the City Council approved Resolution No. R-99-468 implementing the \$0.06 fee increase.

On August 15, 2000, the City Council approved an ERU rate increase of \$0.05 (\$1.32/ERU). On December 19, 2000, the City Council approved Resolution No. R-00-453 implementing the \$0.05 rate increase.

In August 2001, the City Council approved an ERU rate increase of \$0.03 (\$1.35/ERU), which will be required to sustain the "hot spot" drainage program in the year 2002 budget.

The increase of \$0.03 in the Storm Water Utility ERU rate is required to expand the "hot spot" drainage program in the year 2002 Budget. This fee increase will result in an estimated \$120,000 in Revenue to the Utility in 2002. This will enable the Utility to improve several neighborhood drainage problems.

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Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-501

A Resolution amending Section 2 of Resolution No. R-00-453 pertaining to the ERU Rate for the Stormwater Utility and repealing the Original of said Section, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AMEND RES.

AMENDING RESOLUTIONS: 32ND STREET NORTH PAVING, NORTHSORE BOULEVARD PAVING, WATER DISTRIBUTION SYSTEMS TO SERVE AREAS SOUTH OF 57TH STREET SOUTH, WEST OF ARKANSAS RIVER. (Districts III, IV, V, and VI)

Agenda Report No. 01-1385.

Four Resolutions, previously adopted by the City Council, contain minor errors in the description of the improvement districts.

Amending Resolutions have been prepared to correct the errors. In addition, the descriptions of properties in the improvement districts have been updated to reflect recent platting activity.

There is no impact on the project budgets.

State Statutes grant the City Council authority to modify improvement district legal descriptions by an Amending Resolution.

Motion -- carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-502

A Resolution amending Resolution No. R-00-135 authorizing construction of Water Distribution System Number 448-89424, (south of 63rd Street South, west of the Arkansas River), in the in the City of Wichita, Kansas, pursuant to Findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-503

A Resolution amending Resolution No. R-99-265 pertaining to the improving of 32nd Street North from Fairview to and including a hammerhead turnaround east of the Drainage Ditch, Project No. 472-83128, in the City of Wichita, Kansas, pursuant to Findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-504

A Resolution amending Resolution No. R-00-136 authorizing construction of Water Distribution System Number 448-89423, in an area between 57th Street South and 63rd Street South and west of the Riverside Drainage Ditch, in the City of Wichita, Kansas, pursuant to Findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-505

Resolution of findings of advisability and resolution authorizing improving of Northshore Boulevard, from the south line of lot 21, block 5, Ridge Port Addition, north to the north line of Northwind; on Northwind, from the west line of Northshore Boulevard as platted in Ridge Port Addition, west to the

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east line of northwind circle; on Northwind circle, from the west line of Northwind, west to and including the cul-de-sac; and on Hazelwood, from the north line of Northwind, north to the north line of the plat of Ridgeport 3rd Addition. Northshore Ct. from the west line of Northshore Blvd as platted in Ridge Port Addition, west to and including the cul-de-sac; and on Northwind Ct. from the south line of Northwind, south to and including the cul-de-sac. drainage to be installed where necessary. sidewalk constructed on both sides of Northshore Boulevard from the south line of lot 21, block 5, north to the north line of lot 55, block 4; on both sides of Northwind from the west line of Northshore Boulevard, west to the east line of Northwind Cir; and on both sides of Hazelwood from the north line of Northwind, north to the north line of the plat, (east of Ridge Road, north of 29th street north), 472-83278 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DEFERRED COMP

CITY'S DEFERRED COMPENSATION PLAN ORDINANCE REVISIONS TO IMPLEMENT ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 (EGTRRA) PROVISIONS.

Agenda Report No. 01-1386.

On July 7, 2001, President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Included in the Act are provisions impacting Internal Revenue Code Section 457 Deferred Compensation Plans. The provisions greatly enhance the portability of deferred compensation accounts and their association with qualified pension plans.

EGTRRA provisions will increase maximum salary deferral amounts to deferred compensation plans beginning January 1, 2002. The maximum current annual deferral is \$8,500. This will increase to \$11,000 in 2002 and continue increasing by \$1,000 increments annually to \$15,000 in 2006.

Provisions also allow deferred compensation accounts to be used for the purchase of prior service in defined benefit plans such as those available in the Wichita Employees' Retirement System and the Police & Fire Retirement System. Employees terminating service with the City or retiring may "rollover" plan distributions into the City's deferred compensation plan.

All costs associated with the administration of the program are borne by the participants.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 2.30.101, 2.30.110 and 2.30.170 of the Code of the City of Wichita, Kansas, pertaining to the Voluntary Deferred Compensation Plan and repealing the original of said Sections, introduced and under the rules laid over.

POLICE/FIRE RET.

POLICE AND FIRE RETIREMENT SYSTEM ORGANIZE REORGANIZATION AND REVISIONS TO RE-IMPLEMENT ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACTION 2001 (EGTRRA) PROVISIONS.

Agenda Report No. 01-1387.

In 1998, the law firm of Ice Miller was hired by the Police & Fire Retirement Board to review City ordinances for compliance with Internal Revenue Code (IRS) requirements for pension plan qualification. The provisions of the Police & Fire Retirement System are established in six Charter Ordinances. During the preparation of materials for submission to the IRS, it was determined that for ease of understanding and presentation of the respective ordinances, a revision, consisting of a reorganization of combining of the existing ordinances was appropriate.

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On July 7, 2001, President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Included in the Act are provisions impacting Internal Revenue Code Section 401(a), Qualified Pension Plans, Section 457, Deferred Compensation Plans and others. The provisions greatly enhance the options for qualified pension plan distribution, including the use of Deferred Compensation Plan funds for the purchase of prior and future service.

Pension Management and Law Department staff began the task of reorganizing the ordinances governing the Police & Fire Retirement System. Careful consideration was given in an effort to not alter existing retirement benefits or provide new benefits. Additions were made as recommended by Ice Miller and required by the IRS to comply with the provisions of EGTRRA.

The EGTRRA provisions will allow employees terminating service with the City or retiring to "rollover" plan distributions into the City's deferred compensation plan or other qualified plans, such as, 401(k), 403(b) and IRA's. Provisions also allow these other retirement accounts to be used for the purchase of prior service in defined benefit plans such as those available in the Police & Fire Retirement System.

Participants in the Police & Fire Retirement System's DROP program will be able to roll all or a portion of the DROP account into the deferred compensation plan or an IRA. EGTRRA provisions would be available to those terminating or retiring on or after January 1, 2002.

Following the completion of the task and review by Ice Miller, the new charter ordinance and rules were presented to the Police & Fire Retirement Board for its consideration. The Board took action at its regularly scheduled November 28, 2001 meeting to approve the new ordinance and corresponding rules and recommend adoption by the City Council.

There are no costs associated with this action.

Pension plans must incorporate the EGTRRA provisions in their plans in order for the provisions to be available to plan participants.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

CHARTER ORDINANCE

An Charter Ordinance of the City of Wichita, Kansas, amending Charter Ordinances No. 131, No. 161, No. 176, No. 180 and No. 184, related to the Police and Fire Retirement System of the City of Wichita and repealing the originals of said Charter Ordinances, introduced and under the rules laid over.

EMPLOYEE RET.

WICHITA EMPLOYEES' RETIREMENT SYSTEM ORDINANCE REVISIONS TO IMPLEMENT ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 (EGTRRA) PROVISIONS.

Agenda Report No. 01-1388.

On July 7, 2001, President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Included in the Act are provisions impacting Internal Revenue Code Section 401(a), Qualified Pension Plans, Section 457, Deferred Compensation Plans and others. The provisions greatly enhance the options for qualified pension plan distribution, including the use of Deferred Compensation Plan funds for the purchase of prior and future service.

The EGTRRA provisions will allow employees terminating service with the City or retiring to "rollover" plan distributions into the City's deferred compensation plan or other qualified plans, such as, 401(k), 403(b) and IRA's. Provisions also allow these other retirement accounts to be used for the purchase of prior service in defined benefit plans such as those available in the Wichita Employees' Retirement System.

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Participants in the Wichita Employees' Retirement System's DROP program will be able to roll all or a portion of the DROP account into the deferred compensation plan or an IRA. Provisions of EGTRRA would be available to those terminating or retiring on or after January 1, 2002.

There are no costs associated with this action.

Pension plans must incorporate the EGTRRA provisions in their plans in order for the provisions to be available to plan participants. The Law Department has approved the ordinance revisions as to form.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.28.100 and creating Sections 2.28.400, 2.28.410, 2.28.420 and 2.28.430 of the Code of the City of Wichita, Kansas, pertaining to certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") as it relates to the Wichita Employee's Retirement System, introduced and under the rules laid over.

ADELPHIA

TELECOMMUNICATIONS FRANCHISE – ADELPHIA BUSINESS SOLUTIONS.

Agenda Report No. 01-1389.

Adelphia Business Solutions has requested permission to place its own conduit to carry fiber-optic cable in the public right-of-way. Adelphia has previously served some of its customers through facilities owned by others or covered under another franchise. The grant of a franchise is covered under the terms of the master franchise ordinance effective January 27, 2001. The 2001 Kansas Legislature imposed a moratorium on franchise ordinance modifications and sought to require any new franchises to be consistent with those enacted prior to December 31, 2001. This proposed franchise is therefore substantively identical to the terms of the existing Southwestern Bell Telephone franchise.

This non-exclusive franchise with Adelphia Business Solutions grants the right to use the public right-of-way for the provision of telecommunications services. It is for a term expiring July 1, 2002 (or at the expiration of the Southwestern Bell franchise, if sooner). It is subject to the same right-of-way management requirements as in the current Southwestern Bell franchise.

The franchise provides for compensation to the City of \$1.81 per month for each access line in the City during its term. Adelphia is required to pay publication costs of the franchise ordinance.

The franchise ordinance has been drafted and approved as to form by the Law Department. Franchises require three readings, two publications, and a 60-day petition period before becoming effective.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance granting to Adelphia Business Solutions, its successors and assigns, a franchise and the right to construct, operate, maintain and extend a Telecommunication System in the City of Wichita, Kansas, prescribing the terms of said Grant and relating thereto.

BUDGET

AN ORDINANCE APPROPRIATING THE 2002 BUDGET; RATIFYING THE PAYMENT OF ALL CLAIMS AGAINST THE 2001 BUDGET.

Agenda Report No. 01-1390.

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments which have occurred against the current year budget.

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Appropriated amounts for each fund have been established in the budget for the fiscal year 2002 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2001 are also required to be authorized, ratified and approved.

There are no financial considerations.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against all accounts, introduced and under the rules laid over.

(Addendum Item #52A)

FOOD ESTABLISH.

MODIFICATION OF ENFORCEMENT POWERS FOR FOOD ESTABLISHMENTS.

Agenda Report No. 01-1423

For over fifty years, the City of Wichita and Sedgwick County have operated joint Health Facilities to serve the needs of the greater community. Since 1987, this has been accomplished by use of a semi autonomous Board of Health operating under special statutory authority. Management of that entity, the City of Wichita Sedgwick County Department of Community Health, has been accomplished by action through an appointed Board of volunteers, with the advice of City staff, subject to ratification by a joint annual meeting of the City Council and the County Commission setting en banc. This body was funded by the City and County in proportions that were set each year and subject to negotiation.

Due to other activities in related issues, the City and County staff developed expertise in, respectively, environmental and public health issues. It became apparent that the most efficient manner to deliver health services to the residents of Wichita and Sedgwick County was to develop separate departments, with consequently stable funding obligations, for each municipality to operate on its own, and by agreement, provide its services countywide. The staffs of each municipality met regularly over the past year to reach operating agreements that would accomplish this goal.

These changes would have no financial impact on the City as such. They only allow the organizational structure to be implemented. The subsequent operating agreement and lease will reflect any future financial impact, with no current change anticipated.

The Law Department drafted the ordinance amendments and approved the same as to form. As the joint department will be abolished on January 1, 2002 as a result of statutory notice provided this past July, some alternate organization is required. This is the format that staff feels best fulfills the needs imposed on the City for environmental health services

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 2.08.120 and 2.08.190 of the Code of the City of Wichita, Kansas, pertaining to the creation and the organization of City Departments and repealing the originals of said Sections, introduced and under the rules laid over.

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(Addendum Item # 52B)

ENVIRON. HEALTH

CREATION OF DEPARTMENT OF ENVIRONMENTAL HEALTH AND TECHNICAL CHANGES TO ALL ORDINANCES REFERENCING THE CURRENT STRUCTURE.

Agenda Report No. 01-1424.

Environmental Health regulates food establishments such as grocery stores, warehouses, and food processors under Chapter 7.22 of the City Code. (Restaurants and other food service operations are regulated by Environmental Health under a contract with the Kansas Department of Health and Environment, utilizing KDHE regulations.) Local food establishment regulations are currently based on 1982 FDA recommendations, and were last revised in 1989. The FDA has issued, and KDHE has adopted, new recommendations based on the latest scientific knowledge and current best practices for food protection..

Proposed changes to the ordinance will:

- Update local standards to provide a higher level of food protection. Proposed standards are equivalent to the State code, FDA recommendations, and current best practices
- Allow use of a narrative report form, such as currently used for restaurant inspections, to provide better information to operators and the public
- Make the local grocery/processor/warehouse inspection system equivalent to that used for restaurants and other food service operations
- Allow immediate closure of an establishment for gross unsanitary conditions, in addition to the three imminent health hazards specified in the current code (extended loss of water supply, extended power outage, or sewer backup into the establishment)
- Allow locally licensure of grocery or processing operations that are part of a food service establishment. This will allow more timely enforcement actions, when necessary
- Update the fee schedule, which was last revised in 1989

Updating of the fee structure will generate approximately \$ 10,000 in additional revenue.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 7.22.010, 7.22.020, 7.22.030, 7.22.050, 7.22.080, 7.22.090, 7.22.110 and 7.22.120 of the Code of the City of Wichita, Kansas, pertaining to food establishments and repealing the originals of said sections, introduced and under the rules laid over.

ORDINANCES

FIRST READING ORDINANCES – PROVIDING TAX LEVY FOR COST OF CONSTRUCTION OF SIDEWALKS IN CITY OF WICHITA:

Motion -- carried

Knight moved that the Ordinances be placed on first reading. Motion carried 7 to 0.

ORDINANCE

a) An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over. (Project 72550)

ORDINANCE

b) An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over. (Project 72551)

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SECOND READING ORDINANCES: (FIRST READ NOVEMBER 20, 2001)

- a) Tax Exemption – Cox Machine, Inc. (District V)

ORDINANCE NO. 45-145

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Cox Machine, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Industrial Revenue Bonds - Rand Graphics, Inc. (Districts IV and V)

ORDINANCE NO. 45-146

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$4,300,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a commercial printing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and First National Bank of Hutchinson, Hutchinson, Kansas, as trustee, with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and between Rand Graphics, Inc., and the City; prescribing the form and authorizing the execution of an easement and agreement by and between Rand Graphics, Inc., and the City; approving the form of a guaranty agreement by and between Rand Graphics, Inc., and the trustee; approving the form of an individual guaranty agreement by and between Ralph Vautravers and Randy Vautravers, as individual guarantors, and the trustee; and authorizing the execution of a bond placement agreement by and between the City, Rand Graphics, Inc., the individual guarantors, and Emprise Bank, Wichita, Kansas, as purchaser of the bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Tax Exemption - ZTM, Inc. (District III)

ORDINANCE NO. 45-147

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of ZTM, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Sidewalk Café Guidelines.

ORDINANCE NO. 45-148

An Ordinance amending Section 10.04.131 and creating Sections 10.04.132, 10.04.133, 10.04.134 and 10.04.135 of the Code of the City of Wichita, Kansas, pertaining to permits and repealing the original of Section 10.04.131 of the Code of the City of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) HUD Section 108 Loan Program and Note Issuance.

ORDINANCE NO. 45-149

An Ordinance of the City of Wichita, Kansas (the "City"), authorizing the execution of a contract for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the financing of a portion of the loans extended to qualified eligible small businesses within the City's Neighborhood Revitalization Strategy Areas ("business borrowers"),

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under the City's business assistance program; authorizing the execution, of a variable/fixed rate note(s) in the maximum aggregate principal amount of \$3,000,000 in connection with such financing; pledging grant funds and other security to secure the united states department of housing and urban development's guaranty of such note; approving the form of an amended and restated master fiscal agency Agreement dated as of May 17, 2000, and a certain Trust Agreement dated as of January 1, 1995, as supplemented and amended; authorizing appropriate co-guaranty Agreements between the City and the Small Business Administration ("SBA"), for support of loans to business borrowers and sharing of collateral; authorizing appropriate cooperative agreements between the City and banks extending SBA-guaranteed loans, for the initiation of loans to business borrowers and sharing of collateral; authorizing the execution and/or acceptance of loan and security agreements to secure repayment of loans made to business borrowers; authorizing an arrangement between the city and south central Kansas Economic Development District ("SCKEDD"), concerning certain functions in the initiation and servicing of loans to business borrowers to be performed by SCKEDD on behalf of the city; and designating Commerce Bank, N.A., as custodian of certain accounts and security documents required by the contract for loan guarantee assistance, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

f) HPC2001-00116 - Wichita Register of Historic Places Landmark Designation.

ORDINANCE NO. 45-150

An Ordinance designating as a historic landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

g) A01-21- Generally located at Ridge Road.

ORDINANCE NO. 45-151

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-21

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda, except Item 70, could be considered as consensus unless the Council desired to withhold other Items.

Motion --
-- carried

Knight moved that the Planning Agenda, except Item 70, be approved as consensus Items.
Motion carried 7 to 0.

VAC-2184

VAC-2184 – VACATE PORTION OF PLATTED 150-FOOT BUILDING SETBACK – SOUTH OF 13TH STREET NORTH, ON WEST SIDE OF MAIZE ROAD. (District V)

Agenda Report No. 01-1391

Staff Recommendation: Approve the vacation of a portion of a platted 150-foot building setback.
MAPC Recommendation: Approve vacation of a portion of a platted 150-foot building setback.
(unanimous)

The applicant is requesting consideration to reduce the platted 150-foot building setback to 70-feet, except the south 45-feet of Lot 2, Huntington Park Addition, Wichita, Sedgwick County, Kansas. The

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applicant filed for an administrative adjustment on Parcel 1 of DP-153 to reduce the platted building setback line, adjust the sign provisions and increase the number of permitted buildings in order to increase development flexibility. The administrative adjustment was approved May 31, 2001.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00048

VAC2001-00048 – VACATE 20-FOOT UTILITY EASEMENT – SOUTHEAST OF 21ST STREET NORTH – MAIZE ROAD INTERSECTION ON BELLE VISTA. (District V)

Agenda Report No. 01-1392.

Staff Recommendation: Approve the vacation.

MAPC Recommendation: Approve the vacation. (unanimous)

The applicants are requesting consideration to vacate the 20-foot utility easement that runs along their common side lot line, between Lots 7 & 8, Block 2, Graf – Goldston 2nd Addition. There is an existing encroachment on Lot 7, where a swimming pool was built 4-feet deep into the easement for a length of 10-feet. There are no City or Private utilities in this easement. The vacation of the 20-foot utility easement between Lots 7 & 8, Block 2, Graf – Goldston Addition will end at the point of its intersection with the 20-ft utility easement that runs in the south (rear yard) end of Lots 7 & 8, Block 2, Graf – Goldston Addition.

No public or private utility representatives objected to the request and one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED2001-31

DED2001-31 – UTILITY EASEMENT – SOUTH SIDE OF 13TH STREET, WEST OF MERIDIAN. (District VI)

Agenda Report No. 01-1393.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-99, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

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DED2001-32

DED2001-32 – UTILITY EASEMENT – SOUTH SIDE OF CENTRAL, EAST OF WEST STREET. (District IV)

Agenda Report No. 01-1394.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-108, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

DED2001-33

DED2001-33 – ACCESS CONTROL – SOUTH OF DOUGLAS, EAST OF EDWARDS. (District IV)

Agenda Report No. 01-1395.

MAPC Recommendation: Accept the dedication.

As a requirement of Zoning Case No. ZON 2001-22, this dedication is being submitted for complete access control along Douglas Avenue, for a lot on which an existing office use on the abutting lot will be expanded.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

DED2001-34

DED2001-34 – STREET RIGHT-OF-WAY – SOUTH OF DOUGLAS, EAST OF EDWARDS. (District IV)

Agenda Report No. 01-1396.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2001-22, and is being submitted to allow for street right-of-way along south of Douglas, east of Edwards.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

DED2001-35

DED2001-35 – UTILITY EASEMENT – SOUTH OF MAPLE, WEST OF HOOVER. (District V)

Agenda Report No. 01-1397.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-100, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

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DED2001-36

DED2001-36 – DRAINAGE EASEMENT – WEST SIDE OF BROADWAY, SOUTH OF 48TH STREET SOUTH. (District IV)

Agenda Report No. 01-1398.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-112, and is being dedicated for construction and maintenance of drainage systems.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

DED2001-37

DED2001-37 – UTILITY EASEMENT – EAST SIDE OF WEBB ROAD, NORTH OF CENTRAL. (District II)

Agenda Report No. 01-1399.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-110, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

DED2001-38

DED2001-38 – STREET RIGHT-OF-WAY – BETWEEN EAST OF SENECA, SOUTH OF 53RD NORTH. (District VI)

Agenda Report No. 01-1400.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Building Permit No. 2001-06641, and is being submitted to allow for street right-of-way along East of Seneca, south of 53rd Street No.

Motion -- carried

Knight moved that Dedication be approved. Motion carried 7 to 0.

SUB2001-77

SUB2001-77 – PLAT OF COLLECTIVE ADDITION – SOUTHEAST CORNER OF K-96 AND 21ST STREET NORTH. (District II)

Agenda Report No. 01-1401.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

A zone change (ZON 2001-24) from SF-5, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Community Unit Plan established by ZON 2001-24.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A CUP Certificate was provided

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identifying the approved CUP and its special conditions for development. In accordance with the drainage plan, a drainage easement was also provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenant, drainage easement and CUP Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; the ZON2001-24 Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-506

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89646 (east of K-96, south of 21st Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-507

Resolution of findings of advisability and Resolution authorizing construction of part of Main 10, Four Mile Creek Sewer, (east of K-96, south of 21st Street) 468-83370, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-508

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 10, Four Mile Creek Sewer, (east of K-96, south of 21st Street) 468-83371, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-509

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 183, (east of K-96, south of 21st Street) 468-83372, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-510

Resolution of findings of advisability and Resolution authorizing pavement on Wawona from the south line of 21st Street North to the south line of Lot 3, Block 1, The Collective. Sidewalk along the west line of Wawona, (east of K-96, south of 21st Street) 472-83455, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-511

Resolution of findings of advisability and Resolution authorizing construction of a decel lane on 21st Street North to serve Collective Lane and Wawona, (east of K-96, south of 21st Street) 472-83456, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the

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City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00024

SUB2001-90

SUB2001-90 – PLAT OF ALL BOER LAND ADDITION – WEST OF TYLER ROAD, SOUTH SIDE OF 53RD STREET NORTH.

Agenda Report No. 01-1402.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

A zone change (ZON 2001-17) from RR, Single-Family Residential to OW, Office Warehouse has been approved by the Sedgwick County Commission for this site subject to platting. The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. A restrictive covenant was also required assuring that only residential type wastes would be generated until such time as a municipal sewer system is available.

Petitions, all 100%, have been submitted for future sanitary sewer and City water improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-512

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89632 (west of Tyler, south of 53rd Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-513

Resolution of findings of advisability and Resolution authorizing construction of Later 1, Northwest Interceptor Sewer (west of Tyler, south of 53rd Street South) 468-83361, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-93

SUB2001-93 – PLAT OF RIDGE PORT SECOND ADDITION – NORTH OF 29TH STREET NORTH, WEST SIDE OF RIDGE ROAD. (District V)

Agenda Report No. 01-1403.

Staff Recommendation: Approve the plat.

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MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned LI, Limited Industrial.

Petitions, all 100%, have been submitted for sewer, water, drainage and street improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-514

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89645 (north of 29th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-515

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 565 (north of 29th Street North, west of Ridge) 468-83382, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-516

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 19, Southwest Interceptor Sewer (north of 29th Street North, west of Ridge) 468-83386, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-517

Resolution of findings of advisability and Resolution authorizing construction of Main 19, Part 4 Southwest Interceptor Sewer (north of 29th Street North, west of Ridge) 468-83387, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-518

Resolution of findings of advisability and Resolution authorizing construction of a left turn bay on Ridge Road from the south line of Lot 7, Block A to the north line of Lot 2, Block A, Ridge Port Second Addition (north of 29th Street North, west of Ridge) 472-83454, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ZON2001-00060

ZON2001-00060 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – NORTH OF WEST 29TH STREET NORTH, WEST OF NORTH FAIRVIEW – 344 WEST 29TH NORTH. (District VI)

Agenda Report No. 01-1404.

MAPC Recommendation: Approve, subject to staff comments (11-0).

Staff Recommendation: Approve, subject to dedication of complete access control on West 30th Street North.

DAB Recommendation: Approve, subject to staff comments.

The applicant requests “GC” General Commercial zoning on a platted lot located on the north side of West 29th Street North, west of Fairview, at 344 West 29th Street North. The vacant property is currently zoned “MF-29” Multi-Family.

The applicant owns the “GC” zoned parcel abutting the application area to the south, this property is developed with a restaurant facing 29th, and self-storage units on the north side of the property. The applicant wishes to expand the self-storage business onto the application area. The application area abuts West 30th Street North, which is platted but completely un-built west of Fairview. North of the application area is an “SF-5” zoned, 3.96-acre unplatted tract, developed with a single-family residence facing Fairview. The application area abuts three “SF-5” zoned lots to the east, two are developed with single-family residences, and one is developed with a church. The application area borders a drainage canal to the west, across the canal is property zoned “MF-29” and developed with a church.

The neighborhood character is a mix of “GC” and “LC” zoned businesses along 29th, a large drainage canal, vacant lots, large lot “SF-5” zoned properties, two churches within residential areas, and a number of unpaved streets in the area. Existing hedgerow vegetation visually screens the application area from the north and east; the drainage canal buffers the application area from the west. The proposed zone change, from “MF-29” to “GC” would require conformance to all property development standards in the Unified Zoning Code.

DAB VI heard this request on November 5th, 2001, and voted unanimously to recommend approval subject to staff comments. MAPC heard this request on November 8, 2001, and voted 11-0 to approve the zone change subject to staff comments. No opposition was expressed at either hearing. No protests have been filed on this zone change request case.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be placed on first reading with publication being withheld until such time as the Dedication Instrument has been submitted. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00060

ZON2001-00062

ZON2001-00062 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE – EAST SIDE OF MAIZE ROAD, ½ MILE NORTH OF 21ST STREET NORTH. (District V)

Agenda Report No. 01-1405.

MAPC Recommendation: Approve, subject to staff comments (11-0).

Staff Recommendation: Approve, subject to platting within one year and a protective overlay requiring a masonry screen wall on the south and east property lines.

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The application area consists of a 2.6-acre, unplatted parcel on the east side of Maize Road, ½ mile north of 21st Street North. The undeveloped property is currently zoned “SF-5” Single-Family. The owner/applicant also owns the abutting parcel to the west, recently rezoned to “NR” Neighborhood Retail, and “GO” General Office with a protective overlay requiring a masonry screen wall on the south property line. The applicant requests “NO” Neighborhood Office zoning for the application area.

The application area abuts “SF-5” zoned property to the north, east, and south, all developed with single-family residences. Across Maize Road, to the west of the application area, is the New Market Square CUP; New Market Square is developed on property zoned “LC” Limited Commercial, and “GO” General Office. To the north of the application area sits the Cadillac Lake floodplain area.

The proposed zone change, from “SF-5” to “NO,” would require platting, and conformance to all property development standards in the Unified Zoning Code, including compatibility setbacks, screening and landscaping. As the application area sits just south of a floodplain area, drainage would have to be addressed at the time of platting. Neighbors south of the application area have complained of flooding at this location.

This zone change request was heard by the MAPC on November 8th, 2001. The MAPC voted 11-0 to approve the zone change request subject to staff comments; no opposition was presented at the hearing. No protests to the zone change request have been filed.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommended provisions of a Protective Overlay District; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2001-00063

ZON2001-00063 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL – SOUTHEAST CORNER OF NAVAJO AND BLUFF. (District III)

Agenda Report No. 01-1406.

MAPC Recommendation: Approve, subject to staff comments. Vote 11-0.

Staff Recommendation: Approve.

The applicant is requesting “LI” Limited Industrial zoning on a 3.95-acre triangular shaped tract located on the southeast corner of Navajo and Bluff, which is one block south of 31st Street South. The applicant owns an existing manufacturing facility, ZTM, Inc., located on the block to the northwest of Navajo. Also, ZTM has another building located north of the proposed application area but that is separated from the application area by a small woodworking operation under separate ownership. ZTM is an aircraft parts manufacturing firm.

The property is bordered on the west by a large manufactured home park, The Township at Clifton Manufactured Home Park; on the north by the woodworking shop, ZTM, and a plumbing/mechanical contractor; and on the southeast by the Kansas Turnpike. The area north of 31st Street South is Plainview. The Boeing complex is located to the east of the Turnpike.

At the MAPC meeting held November 8, 2001, MAPC voted (11-0) to recommend approval subject to staff recommendations. Staff had recommended a Protective Overlay with landscaping along the turnpike frontage and a prohibition of any off-site signs. The applicant did not speak and no members of the public were present to speak.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00063

ZON2001-0064

ZON2001-0064 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL, AND GENERAL COMMERCIAL TO LIMITED COMMERCIAL – NORTHWEST CORNER OF HARRY AND BROADWAY. (District I)

Agenda Report No. 01-1407.

MAPC Recommendation: Approve, subject to staff recommendations (11-0).

Staff Recommendation: Approve, subject to replatting into two parcels within one year.

DAB Recommendation: Defer until the Harry driveway location is clarified (7-3).

The applicant essentially requests a “GC” and “LC” zoning exchange between the two parcels highlighted on the map above. The application area is approximately .93-acres at the northwest quadrant of the Broadway and Harry intersection (1535 – 1559 South Broadway). The three lots at the intersection are currently zoned “GC” and developed with a used car lot; the applicant is requesting “LC” zoning for these lots to develop a Walgreens store. The three lots further north on Broadway, plus a portion of reserve, are currently zoned “LC” and developed with one single-family residence; the applicant requests “GC” zoning for this property to relocate a sign business. The one lot between the two application area parcels is zoned “LC” and is currently developed as a part of the used car sales at the corner; this lot will become part of the proposed Walgreens site. The applicants intend to replat the application areas into two parcels for development; the proposed replat will vacate privately held reserves at the development site. The proposed development would result in a parcel located at the corner of Broadway and Harry developed with a Walgreens, and a separate parcel to the immediate north on Broadway developed with a relocated sign business.

The application area abuts “LC” zoned property to the north and west. North of the application area is a pawnshop and associated parking, west of the application area are three single-family residences, a sign business (proposed to be relocated), and a computer business. Property across Broadway, east of the application area, is zoned “LC” and “GC,” and is developed with general strip commercial uses. Property south of the application area, across Harry, is zoned “GC” and developed with commercial uses. Southwest of the application area, across Harry, is property zoned “LC” and developed with parking for an elementary school located further west on Harry.

Staff recommends that the zone change request be approved, subject to replatting into two parcels within one year. The replat should include provisions for: dedication of 20 feet of right-of-way on Harry, 20 feet of right-of-way on Broadway for the southern parcel, and a contingent dedication of 20 feet of right-of-way on Broadway for the northern parcel; dedication of access control with one point of access from Harry, one point of access from Market, and two points of access from Broadway; and a cross-lot access agreement between the two parcels. The proposed zone change, from “LC” to “GC” and “GC” to “LC,” and the proposed development would require conformance to all property development standards in the Unified Zoning Code.

DAB 1 heard this zone change request on November 5th, 2001. DAB members discussed the location of the Harry driveway location with the agent for the applicant. DAB 1 voted 7-3 to defer their decision until the Harry driveway location is clarified. The exact Harry driveway location will be determined through the platting process. MAPC heard the zone change request on November 8th, 2001; MAPC voted 11-0 to approve the zone change request subject to staff comments. No opposition to the zone change request was presented at the MAPC hearing.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to subject to replatting into two parcels within one year; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00064

ZON2001-00065

ZON2001-00065 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – SOUTHWEST OF MERIDIAN/47TH STREET SOUTH INTERSECTION.
(District IV)

Agenda Report No. 01-1408.

MAPC Recommendation: Approve (11-0).

Staff Recommendation: Approve.

The applicant is requesting consideration for a zoning change from “SF-5” Single-Family Residential to “LC” Limited Commercial on the west 20-feet x 550-feet of his property. The applicant owns a u - shaped piece of property (an unplatted 250-foot x 510-foot section off of Meridian Avenue under different ownership causing the u-shape; see Exhibit A) on the southwest corner of 47th Street South – Meridian Avenue intersection. This u - shaped property is zoned “LC” Limited Commercial. The difference in the zoning of his property was discovered during a recent survey of the property. The applicant proposes to have one zoning for his property.

The site has undeveloped “SF-5” Single - Family Residential zoning located on the north side, across 47th Street South. The abutting properties to the west and south are zoned “MH” Manufactured Housing and are developed as Manufactured Housing. The president of the Southborough Estates Condominium Association (the manufactured homes abutting on the west), Jeff Lange, in a fax to the Staff, stated that association has no objection to the requested zoning change on the strip. The property abutting to the east is the previously mentioned (the property under different ownership, whose penetration into the applicant’s property caused it to be u – shaped) unplatted 250-foot x 510-foot property. This property is zoned “LC” Limited Commercial and has a house with a large accessory building on it. The property adjacent to the site on the east, across Meridian Avenue, is zoned “LC” Limited Commercial and is undeveloped.

The applicant proposes to plat the property as South Lakes Commercial Addition. Proposed development would be what is typically permitted in “LC” Limited Commercial zoning.

No one spoke against the proposed zoning change at the October 11, 2001 MAPC Public Hearing. There were no written protest, letters or calls against the proposed zoning change.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00065

PUD2001-00002

PUD2001-00002 – COLLEGE HILL SQUARE PLANNED UNIT DEVELOPMENT TO ALLOW MIXED OFFICE AND COMMERCIAL USES – SOUTHEAST CORNER OF CENTRAL AND HILLSIDE. (District II)

Agenda Report No. 01-1409.

MAPC Recommendation: Approve, subject to conditions (13-0).

DAB Recommendation: Approve, subject to conditions (11-0).

Staff Recommendation: Approve, subject to conditions.

The applicant requests a zone change from “GC” General Commercial, “LC” Limited Commercial, “GO” General Office, “B” Multi-Family, and “TF-3” Two-Family to the Planned Unit Development (PUD) District on a 7.6 acre tract located at the southeast corner of Central and Hillside. The PUD District is a special purpose zoning district that is intended to encourage innovative land planning and design by allowing development to take advantage of special mixtures of land uses and by allowing minor deviations from zoning standards if not contrary to the general spirit and intent of the zoning code.

The northern half of the subject property is currently developed with a multi-story office/retail complex. The southern half of the subject property is developed with a parking area for the office/retail complex. The southern half of the subject property contains a creek, which the applicant proposes to enclose in an underground storm sewer, and the right-of-way for 3rd Street North, which the applicant proposes to vacate.

As described in a letter dated November 1, 2001, the applicant proposes to redevelop the subject property with mixed office and commercial uses that are likely to include a Walgreen’s drug store, a retail center, a day care center, a bank, and a hotel. The letter indicates that the intention is to redevelop the entire site by demolishing the existing office tower. The letter also indicates that the developer would like to maintain the flexibility of redeveloping portions of the site while maintaining the existing office tower; however, the existing office tower is inconsistent with the proposed provisions of Parcel 2A that would permit only 21,000 square feet of floor area while the existing office tower contains approximately 110,000 square feet.

The proposed PUD consists of five parcels. Parcel 1 (1.34 acres) is proposed for all uses permitted by right in the “LC” Limited Commercial district. Parcel 2A (0.94 acres) and Parcel 2B (0.88 acres) are proposed for office; retail; restaurants; hotel or motel; hospital; medical service; personal care and improvement service; bank or financial institution; ATM; and day care. Parcel 3 (2.12 acres) would allow the same uses as Parcel 2 except day care. Parcel 4 (2.32 acres) would allow office, accessory parking, medical service and day care.

The PUD proposes two points of access on Central, two points of access on Hillside, and one point of access on Rutan. The northern-most access drive along Hillside is shown as right-in/right-out only; however, this drive will be allowed full turning movements until the southern-most access drive on Hillside is opened. The access points along Central will be limited to right-in/right-out by an existing median.

Free-standing signage is proposed to be monument type with the same architectural base and forms and limited to 10 feet in height, except for one project identification sign that may be 20 feet in height. Parcel 1 is proposed to have a 100 square foot monument sign at the corner of Central and Hillside or one 64 square foot monument sign per street frontage. Parcel 2A and 2B each are proposed to have a

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75 square foot monument sign. Parcel 3 is proposed to have three 48 square foot monument signs. Parcel 4 is proposed to have a 48 square foot monument sign. Signs are proposed to be spaced a minimum of 100 feet apart. Signage for Parcel 4 is permitted to be located on Parcel 2. Building signage is prohibited from the south and east elevations on Parcels 3 and 4 and is proposed to be designed with individuals letters averaging no more than 24 inches in height and mounted directly to the building face.

Landscaping is proposed to be per the Landscape Code, with the exception that a minimum of 100 trees (exceeds of Landscape Code requirements) are proposed for the subject property and each parcel is proposed to use a similar palette of plant materials. A six-foot high masonry screening wall is proposed along south property line. Uniform architecture and lighting elements are proposed for all parcels. Cross-lot vehicular circulation and a pedestrian walk system are proposed.

The surrounding area is characterized by a mixture of uses with the Wesley Medical Center being the predominate feature in the area. The properties north of the site are zoned "GO" General Office, "B" Multi-Family, and "LC" Limited Commercial and are developed with the Wesley Medical Center and the Wesley Motor Hotel. The properties east of the site are zoned "LC" Limited Commercial, "GO" General Office, and "TF-3" Two-Family and are developed with an Intrust Bank and single-family residences. The properties south of the site are zoned "GO" General Office and "TF-3" Two-Family and are developed with offices along Hillside and single-family residences along Rutan and Holyoke. The properties west of the site are zoned "GC" General Commercial and "B" Multi-Family and are developed with drive-thru restaurants, offices, and apartments.

At the MAPC hearing on November 15, 2001, one speaker from the Sleepy Hollow neighborhood spoke in favor of the request. Another speaker from the College Hill neighborhood indicated that a plan for the property that utilized the creek as feature rather than enclosing it in an underground storm sewer is more desirable. The MAPC voted (13-0) to approve the request subject to platting the property within one year and subject to the following conditions:

1. The maximum floor area of Parcel 2A shall be increased to match the floor area of the existing office tower (approximately 110,000 square feet) and shall indicate that the maximum floor area of Parcel 2A shall be reduced to 21,000 square feet upon the demolition of the existing office tower. General Provision #2 also shall be modified to reflect this change.
2. Parcel 2A shall be modified to add the following: Parking for the existing office tower shall be provided only for occupied square footage per the off-street parking schedule of the Unified Zoning Code. An occupancy/parking study establishing occupied floor area and the location of corresponding parking spaces shall be submitted prior to the publication of the ordinance establishing the PUD district. The occupancy/parking study shall be modified accordingly prior to issuance of occupancy permits for the existing office tower. Upon the demolition of the existing office tower, parking shall be provided in accordance with Article IV of the Unified Zoning Code.
3. If the existing office tower is not demolished by April 1, 2003, the exterior of the existing office tower and the grounds of Parcel 2A shall be remodeled to be consistent with General Provisions #7, #10, #11, #12, #15, #16, and #24.
4. The east-west drive along the south edge of Parcel 2 and the north edge of Parcel 3 and the east-west drive along the south edge of Parcel 3 shall be designed with no direct access to parking spaces. The north-south drive along the east edge of Parcel 3 shall be designed with no direct access to parking spaces unless the drive aisle is at least 30 feet wide.
5. The sidewalk along the south edge of Parcel 4 shall be removed, and the screening wall at Holyoke shall be designed with an opening to allow pedestrian access.
6. General Provision #16 shall be modified to allow for use of EIFS, to allow for use of white stone or similar material trim, and to allow for use of red tile or similar material roofs or roof accents.
7. Site plans and building elevations for all parcels shall be submitted and approved by the Planning Director prior to the issuance of building permits.

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8. The applicant shall submit 4 revised copies of the PUD to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

HPC2001-00118

HPC2001-00118 – WICHITA REGISTER OF HISTORIC PLACES LANDMARK DESIGNATION FOR RIVERVIEW APARTMENTS AT 404-408 WEST BACK BAY BOULEVARD. (District VI)

Agenda Report No. 01-1410.

MAPC Recommendation: Approve Wichita Landmark Designation (11-0)
HPB Recommendation: Approve Landmark Designation (6-0)
Staff Recommendation: Approve Landmark Designation
DAB Recommendation: Approve Landmark Designation (Unanimously)

The applicant is requesting the apartment building located at 404-408 W. Back Bay Blvd be designated as a Wichita Historic Landmark. This building was built in 1927-28 and has had few modifications since its construction. It is an example of a garden style apartment and is the only one of its kind in Wichita. When it was originally built, the structure was designed to be an integral part of the park and the river that is evidenced by the interior courtyard and the openings to the full veranda. The structure also has a full basement. The interior has had few modifications.

Architect William L. Shultz and builder J.W. Schrader created the Riverview. Mr. Schrader was an active builder in Wichita and worked with other noted architects such as Glen Thomas. J.W. Schrader's sons started the Wichita firm of Schrader Brothers Construction Company, which is still in existence today.

The land use surrounding the application area consists of "B" Multifamily, TF-3, and "GC" – General Commercial. The applicant, Gregory Hecox, is also seeking state-level designation.

This site is located on the west side of Waco bordered on the south by Back Bay Boulevard. Waco is a four-lane two-way arterial street, and Back Bay Boulevard is a two-way local street.

Findings of significance of the Historic Preservation Board are based on evaluation criteria established in Chapter 2.12, Code of the City of Wichita. The apartment is a good example of a garden style apartment and is the only one of its kind in Wichita. The building's first owner was Samuel Denney, a prominent Wichita who owned and operated the first road machinery company in the area.

Local landmark designation will require the property owner to have all exterior modifications, alterations and addition that require the issuance of building or other permits, including demolitions, to be reviewed by the Historic Preservation board, except for "emergencies." Landmark designation also qualifies the property owner to be eligible to apply for funds through the Revolving Historic Loan Program. The underlying land use for the designated property does not change and local designation does not trigger design review of adjacent properties.

Motion --

Knight moved that the Landmark designation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance designating as a historic landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended, introduced and under the rules laid over.

A01-20

A01-20 – ANNEX LAND ½ MILE WEST OF INTERSECTION OF 37TH STREET NORTH AND WOODLAWN. (District I)

Agenda Report 01-1411.

The City has received a request to annex approximately 39 acres situated at approximately the mid-mile point between Woodlawn and Oliver along 37th Street North. The site abuts the City of Wichita to the east, west, and south. The City of Bel Aire is immediately north of the proposed annexation site. The property owner is planning to expand the existing facilities on the site with an addition to the existing church building as well as space for religious education, retirement living, and other church related facilities. The staging of development has been planned over multiple years, although no timetable has been set for completion of construction.

Land Use and Zoning: The annexation site is presently in public/institutional use and consists of one (1) developed tract of land. The current zoning of the proposed annexation site is “SF-20” Single Family Residential. The “SF-20” Single Family Residential zoning will automatically convert to “SF-5” Single Family Residential upon annexation. Land east and south of the site is zoned “SF-20” Single Family Residential, while property west of the site is zoned “LI” Limited Industrial. The area to the north of the site is within the City of Bel Aire.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to a 20” water main along 37th Street North, with the property owner paying for the connection to the main and all extensions within the proposed annexation site. For sewer, it is anticipated that the development will connect to the 8” sewer main located on the east boundary of the property.

Street System: The property proposed for annexation will have access to 37th Street North, which serves the area as the nearest major east-west road, and is a two-lane arterial. At the present time, there are no plans for any work to be done on 37th Street North in the 2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.) because the street lies within the corporate boundary of the City of Bel Aire.

Public Safety: Under the City-County first response agreement, fire services to this site can be provided most readily, within a three (3) to five (5) minute approximate response time, from County Station #32 located at 4343 N Woodlawn. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: Two parks and a greenway are located approximately two (2) miles southeast and southwest of the property proposed for annexation. Located southeast of the site, Chisholm Creek Park, a 281.90-acre regional park, features a 1.6 mile nature trail along Chisholm Creek, a wetlands area, and the Great Plains Nature Center. Located southwest of the site, Grove Park, a 125.85-acre regional park, contains a football field, basketball court, play area, and picnic area. The Chisholm Greenway, running along Chisholm Creek, connects Chisholm Creek Park and Grove Park.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is located outside of the Wichita 2010 and 2030 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

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However, the proposed amendments to the Land Use Guide currently pending approval by the City Council include the proposed annexation site within both Wichita 2010 and 2030 urban service areas.

The property proposed for annexation has not been platted. The total assessed value of the property is \$2,052,040. However, because the applicant's property is exempt no tax revenues will be generated.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-20

DR2001-14

DR2001-14 – STREET NAME CHANGE FROM KILLENWOOD TO PINE MEADOW, AND KILLENWOOD COURTS TO PINE MEADOW COURT – SOUTH OF 13TH STREET NORTH, EAST OF GREENWICH. (District II)

Agenda Report No. 01-1412.

Staff Recommendation: Approve the street name change.

MAPC Recommendation: Approve the street name change.

In order to avoid potential negative connotations of the existing street names, the property owner has requested that Killenwood be named Pine Meadow, and Killenwood Courts be named Pine Meadow Court and officially recognized as such by the City.

Motion --
-- carried

Knight moved that street name changes be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the street name of Killenwood and Killenwood Court to Pine Meadow and Pine Meadow Court, adjacent to Lots 1 through 22, Killenwood Pointe Addition, generally located south of 13th Street North, east of Greenwich, introduced and under the rules laid over. DR2001-14

(Item No. 70)

DR2001-15

DR2001-15 – ADJUSTMENTS TO FILING FEES FOR DEVELOPMENT APPLICATIONS.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-1413.

MAPC Recommendation: Deny the proposed fee schedule (7-2).

Staff Recommendation: Approve the proposed fee schedule.

Since 1990, filing fees for development applications have been reviewed and adjusted every three years. The most recent adjustments for the filing fees became effective on January 1 of 1996 and 1999. Planning staff has reviewed and analyzed the current filing fees and is recommending adjustments to the filing fees. These adjustments would become effective on January 1, 2002.

At their November 8 meeting, the Metropolitan Area Planning Commission (MAPC) voted 7 to 2 to oppose the proposed filing fee increases. They did not feel that there should be any fee increases due to the current economic climate. Also, some MAPC members felt any operational cost increases in Current Plans should be covered with our existing resources or other reserve funds. The MAPC also recommended consideration to reducing the development cost for a Conditional Use Permit with a

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residential use on a large lot. Staff agrees with this suggestion, and the proposed schedule eliminates the \$20 per acre charge.

The proposed Ordinance includes a new section that allows for the waiver of fees for new single-family development in the Neighborhood Revitalization Areas (NRA) and the Local Investment Areas outside the NRA boundaries. This would follow the direction set by the City Council in 1999 to waive building permits and utility tap/plant equity fees for new infill housing in these designated areas.

The 10% increase in filing fees is needed to compensate for the following increases budgeted in the Current Plans Division for 2002:

- Salaries – City employees normally receive a cost of living adjustment to adjust their wages for inflation. Also, merit increases are considered for each employee.
- Employee Benefits – Costs associated with health insurance have significantly increased in the past few years.
- Technology Improvements
 - a) MapWise – Current Plans staff just obtained access to MapWise software in October and its numerous layers of information on their desktop personal computers. This enables planners to have immediate access to zoning information, aerial photographs, location of past and active planning cases, lot/block, address, parcel and ownership information, right-of-way boundaries, historic districts, etc. MapWise has been a very valuable tool and significantly improved our ability to answer questions and provide prompt customer service. For MapWise, the Planning Department budget is charged \$15,360 annually by the Information Technology/Information Services (IT/IS) Division.
 - b) Document Imaging – For January, six Current Plans staff members have been approved to have access to the City's document imaging system (LaserFiche). This software will enable us to digitally record thousands of pages of historic documents relating to development applications, that are now in paper files or on microfilm. After these documents have been scanned into LaserFiche, Current Plans staff will be able to significantly reduce the time spent to undertake research and respond to customer requests for information about recorded plats, Community Unit Plans, etc. This will enable us to provide instant access to and printing of these most frequently requested documents. The total annual cost to IT/IS is \$14,400.
- One Additional Staff Member – With the increased development activity, an Associate Planner position was approved for Current Plans in the 2000 budget. This has been a valuable addition to assist with the planning caseload and responding to citizen information requests, but there have been additional costs for salaries, benefits, IT/IS charges, etc.
- Increased Costs for Normal Operations – Costs for postage, legal advertising in The Wichita Eagle, printing, office supplies, and other commodity items have increased at a higher rate than inflation.

The proposed fee increase also included some minor changes in how the filing fees are structured. Conditional Use Permits were changed to remove the underlying zoning district as the method for charging, and it would be replaced with the Use Table in the Unified Zoning Code. Variances were revised to show Residential and Non-Residential categories consistent with Conditional Use Permits. Under the Zoning Adjustment heading, a new category of Additional Zoning Adjustment on Same Lot was added to lower the fees charged if one development application was used to request multiple zoning adjustments on the same lot.

The adopted 2002 Budget includes a projected 10% increase in development application fees. With an anticipated slowdown in the local economy for next year, this could also have an impact on development activities, which would be reflected in reduced revenue from fees.

Development application filing fees are used to partially fund the Current Plans Division. Property tax dollars from the City of Wichita and Sedgwick County are utilized as the other funding sources for Current Plans. Filing fees recover approximately 60% of the budget allocated for Current Plans, and reduce the total department cost to the City and County by about 20%.

The waiver of fees in the Neighborhood Revitalization and Local Investment Areas will have some minor impact on the overall revenue from development applications, but this will be offset by the increase in potential for infill housing and economic development in these areas.

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Motion --
-- carried

Knight moved that the fee schedule be approved, as recommended by Staff, and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 2.26.010, 2.26.020 and 2.26.030 of the Code of the City of Wichita, Kansas, pertaining to fees and charges for Planning and Zoning Applications and Proceedings, and repealing the original sections, introduced and under the rules laid over. DR2001-15

(The Council proceeded to take up the Housing Agenda; action is shown in Agenda order.)

AIRPORT AGENDA

AIRPORT

RENTAL CAR FIRST AMENDMENT TO LEASE AGREEMENT.

Agenda Report No. 01-1414.

The rental car companies currently holding contracts to do business on Wichita Mid-Continent Airport have requested that their contracts be amended so they may show the ten percent (10%) concession fee on their customer contracts and recoup this fee from their corporate customers.

Rental car corporate contracts allow the rental car companies to recoup only those fees shown on the customer agreement. This amendment will allow the 10% concession fee to be shown on the customer agreement as a separate line item and be excluded from the definition of gross receipts contained in the airport concession agreement. This amendment may be offered to all on-airport rental car companies, as well as the two off-airport rental car companies. (Off-airport rental car companies charge an 8% concession fee.) Whether or not the amendment is executed by the various entities will be at their option.

This amendment will not increase or decrease revenues currently received by the Wichita Airport Authority from the rental car companies.

Motion --
-- carried

Knight moved that the amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

AIRPORT MODIFICATIONS.

Agenda Report No. 01-1415

The Mid-Continent Airport has recently installed new windows to its facility. Currently the windows have areas that would be perfect opportunities to showcase city attractions to visitors and residents coming and going from the airport. At present time, they are empty or have fallen posters, looking sloppy and unsightly.

After reviewing the area, the City realizes that these doorways to the Airport are more than operational windows. They are actually gateways to our community. They should be displayed as such. This is the appropriate place to introduce visitors and citizens to the many attractions available in our community. There are 12 windows, and each will display the following City attractions:

1. Performing Arts
2. Museums
3. Performing Arts
4. Performing Arts
5. Municipal Golf courses (introducing Auburn Hills)
6. Campus Arts
7. Shopping
8. Events (LPGA)

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9. Galleries
10. Museums
11. Cultural Attractions
12. Sports

Funding not to exceed \$27,000. This will be supported out of the current year airport renovation budget.

Motion -- carried

Knight moved that the funding be approved. Motion carried 7 to 0.

HOUSING AGENDA

The Housing Authority Board met – following Members present: Mayor Knight; Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte; and Housing Representative Inafay Grays-McClellan.

Roy Johnson

Housing Services Director said Items 73 through 75 could be considered consensus Items.

Motion -- carried

Knight moved that Items 73-75 be approved as consensus Items. Motion carried 8 to 0.

HOUSING

REPORT OF PUBLIC HOUSING OCCUPANCY, DEVELOPMENT, AND REHABILITATION.

Agenda Report No. 01-1416.

This report is being presented monthly and will cover the current status of all Public Housing Units under make ready status, Capital Fund Program and vacant units ready to be leased. The previous report dated October 16, 2001, listed 25 units in make ready status, 6 units in the Capital Fund Program and 18 units waiting to be leased.

As of November 14, 2001, 18 units are in make ready status, 8 units are in the Capital Fund Program and 28 units are waiting to be leased. The total of 54 vacancies represents an occupancy rate of 90.6%. Of those vacant, no units are long term vacancies. During the month of September, Property Managers leased 7 units.

Motion -- carried

Knight moved that report be received and filed. Motion carried 8 to 0.

HOUSING

SECTION 8 STATISTICAL MONTHLY REPORT.

Agenda Report No. 01-1417.

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2499 allocations.

Analysis: November, 2001

PROGRAM	NUMBER ALLOCATED	NUMBER COMMITTED	OVER(UNDER) ALLOCATION
SPC	102	103	+1
MOD REHAB	58	37	-21
CERTIFICATE	94	78	-16

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VOUCHER	2227	1952	-275
PORTABLE	<u>18</u>	<u>18</u>	<u>0</u>
TOTAL	2499	2188	311

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion -- carried

Knight moved that report be received and filed. Motion carried 8 to 0.

HOUSING

REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 01-1418.

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA rental inventory to ensure the long term physical and social viability of WHA developments. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report is being presented monthly and will cover the current status of all Capital Fund improvement projects. New internal monitoring and planning practices have been implemented to improve the assessment of needs, timeliness of projects and expenditure of funds.

The 2000 and 2001 Capital Fund grants are in the amounts of \$1,192,646 and \$1,216,704 respectively. The WHA has submitted the approved 2002 Capital Fund Budget to HUD for final approval and funding. The 2002 through 2004 budgeted amounts are estimated on the basis of the 2001 grant amount.

Motion -- carried

Knight moved that report be received and filed. Motion carried 8 to 0.

HOUSING

REVISIONS TO SECTION 8 ADMINISTRATIVE PLAN.

Roy Johnson

Housing Services Director reviewed the Item.

Agenda Report No. 01-1419.

The Governing Board of the Housing Authority must first approve revisions to the Section 8 Administrative Plan before they can be implemented. The revisions to the existing plan are requested in order to ensure compliance with HUD regulations and to alter local procedures.

The following is a mandated revision to income determination:

9.3 Exclusions from Income

Include the following:

f. (29 U.S.C. 1552 (b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

p. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined

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under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

9.3B Disallowance of Increase in Earned Income: Public Housing and Tenant-based Section 8 Programs 24 CFR 5.617

Exclusion from Annual Income for qualified disabled families:

- Qualified family:
- a disabled family whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed (*see definition below) for one or more years prior to employment;
- whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- whose annual income increases as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needed families funded under Part A of Title IV of the Social Security Act.

Disallowance of increase in annual income:

- During the cumulative twelve-month period once the family member is employed or experiences an increase attributable to employment, the full amount of the increase is excluded from annual income.
 - During the second cumulative twelve-month period, fifty percent of any increase is excluded from annual income.
 - Lifetime 48 month disallowance (starting from the initial exclusion) for 12 months under each disallowance (full disregard and 50% phase in)
- * definition of previously unemployed: a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage

The following amendments are local policies/procedures.

4.7 Removal of Applicants from the Waiting List

Include: D. The applicant has an outstanding balance with the Wichita Housing Authority for unpaid rents, charges or fees for a public housing, Section 8 unit, or has had adverse action relative to their tenancy with the Housing Authority.

4.9 Notification of Negative Actions

Include statement: The preceding notification process does not apply when mail to the applicant is returned as undeliverable. In the event that correspondence from the Housing Authority to the applicant is returned as undeliverable, the applicant will be immediately removed from the wait list without further notification from the Housing Authority.

23.0 Miscellaneous – C. Promissory notes

Item 3 will be amended to read: Promissory notes will be executed for a maximum of 12-month repayment period.

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Item 6 will be amended to include: "In the event a household fails to make three (3) consecutive monthly payments on the agreement, or owes three total monthly payments, or breaches the agreement in any manner, a Notice of Intent to Terminate will be delivered to the tenant.

Upon adoption by the Wichita Housing Authority Board the amendments will become effective.

There are no financial considerations.

Amendments are required or permitted in accordance to Rules and Regulations for Administration of Section 8 Voucher Program

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Administrative plan amendments be approved and adopted. Motion carried 8 to 0.

(The Council returned to take up the Airport Agenda; action is shown in Agenda order.)

EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, pending litigation, contract negotiations, and personnel matters of non-elected personnel; and the Council return from executive session no earlier than 1:00 p.m. Motion carried 7 to 0.

-- carried

Vice Mayor Pisciotte

Vice Mayor Pisciotte announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 1:00 p.m.

Pat Burnett CMC